

*United States Court of Appeals
for the Second Circuit*



**SUPPLEMENTAL
APPENDIX**

74-1550

*B
PJS*

In The
United States Court of Appeals
For The Second Circuit

UNITED STATES OF AMERICA,

Appellee,

vs.

CARMINE TRAMUNTI,

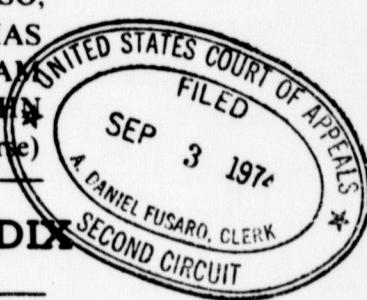
Appellant,

and

LOUIS INGLESE, a/k/a "Gigi", JOSEPH DELVECCHIO, a/k/a "Joe Crow", DONATO CHRISTIANO, a/k/a "Finnegan", THOMAS LENTINI, a/k/a "Moe", ANGELO MAMONE, a/k/a "Butch", JOSEPH DINAPOLI, CARMINE PUGLIESE, PAT DILACIO, FRANK PUGLIESE, a/k/a "Butch", JOSEPH CERIALE, a/k/a "Joe Red", JOHN GAMBA, a/k/a "Sinatra", ANTHONY LORIA, VINCENT D'AMICO, a/k/a VINCENT RIZZO, DONINICK LESSA, BENJAMIN TOLOPKA, GEORGE TOUTOIAN, FRANK PELLEGRINO, a/k/a "Swifty", JOSEPH MARCHESE, a/k/a "Joe Cab", RICHARD FORBRICK, FRANK RUSSO, WARREN C. ROBINSON, a/k/a "Alan", THOMAS DOWSON, a/k/a "Tennessee", AL GREENE, WILLIAM ALONZO, a/k/a BUTCH WARE, HATTIE WARE, JOHN

(Continued on Reverse)

APPELLANT'S SUPPLEMENTAL APPENDIX



(35)

PAGINATION AS IN ORIGINAL COPY

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DOCKET ENTRIES

Form No. 100
CIMINAL DOCKET

JUDGE DUFFY

73 CRIM. 1099

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	<i>For U. S.:</i>
vs.	Walter M. Phillips, AUSA
	264-6345
(See back for defendants)	

ABSTRACT OF COSTS (07)	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
Fine,		4/23/74	Ellis	5	-
Clerk,		4/24/74	J. Ticeas		5 -
Marshal,		5/4/74	Alex	250	-
Attorney,		5/10/74	Ticeas		210 -
Commissioner's Court,		5/19/74	Siegele	5	-
Witnesses,		5/20/74	Treas		5 -
		5/21/74	Conner	5	-
		5/21/74	Lopez	5	-
		5/24/74	Ticeas		10 -
		5/27/74	Maglese	5	-
		4/21/74	Treas		5 -

21:173,4,846 (Consp. to viol. Fed. Narcotic Laws.(Ct.1)
21:848 (Engaging in continuing crim. enterprise.(Ct2)
21:173,4(Received,Concealed and facilitated transp. of narcotic(Cts3-14)
21:841(a)(1),(b) Distr. & possess. w/intent to distr.Heroin & CocaineI &
(Cts. 15-30)

-6-73 Filed indictment. (Superseding 73Cr931)

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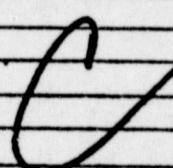
2 Cr 1099 Duffy, J.

Duffy, J. 73Cr1099

DATE	PROCEEDINGS
1	CARMINE TRAMUNTI- Cts. 1&27 J.S. 3✓
2	LOUIS INGLESE- 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 23, 24, 27, 28 J.S. 3✓
3	JOSEPH DELVECCHIO- 1, 3, 4, 11, 12, 13, 23, 24 & 27 J.S. 3✓
4	DONATO CHRISTIANO- 1, 11-13 + 12 J.S. 3✓
5	THOMAS LENTINI- 1, 23, 24, 28 & 29 J.S. 3✓
6	ANGELO MAMONE- 1 J.S. 3✓
7	JOSEPH DINAPOLI- 1 & 21 J.S. 3✓
8	CARMINE PUPPIESE- 1 & 22
9	PAT DILACIO- 25 1, 15, 18, 20, 21 & 22
10	FRANK PUGLIESE- 1, 15, 18 & 20 J.S. 3✓
11	JOSEPH CERIALE- 1, 23, 24 & 27 J.S. 3✓
12	JOHN GAMPA- 1 J.S. 3✓
13	ANTHONY LORIA- 1
14	VINCENT D'AMICO- 1 & 25 J.S. 3✓
15	DOMINICK LESSA- 1, 9, 10 & 29
16	BENJAMIN TOLOPKA- 1 & 7
17	GEORGE TOUTOIAN- 1 & 25
18	FRANK PELLEGRINO- 1
19	JOSEPH MARCHESE- 1 & 17 J.S. 3✓
20	RICHARD FORBRICK- 1
21	FRANK RUSSO- 1, 16 & 26 J.S. 3✓
22	WARREN C. ROBINSON- 1 J.S. 3✓ Q.T. 2 open
23	THOMAS DAWSON- 1
24	AL GREENE- 1
25	WILLIAM ALONZO- 1 J.S. 3✓
26	HATTIE WARE- 1 J.S. 3✓
27	JOHN SPRINGER- 1 & 19 J.S. 3✓
28	MARY JANE SALVIANI- 1
29	HENRY SALLEY- 1 J.S. 3✓
30	BASIL HANSEN- 1 & 30
31	ESTELLE HANSEN- 1 & 30
32	JOHN DOE, a/k/a Jimmy Wyatt Earp- 1

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DATE	PROCEEDINGS
12-7-73	THOMAS LENTINI - Pre-trial conference..Produced in Court on Writ. Appears in Court with atty..writ.adjd to 12-11-73. BENJAMIN TOLOPKA - Atty.present. The court direct entry of NOT GUILTY PLEA. ESTELLE HANSEN - No appearance. Court directs a telegram be sent to her last known address and if there is no compliance then a bench warrant may be ordered. The Court directs entry of PLEA OF NOT GUILTY as to ALL DEFT/S.
12-10-73	WARREN C. ROBINSON - Bench warrant ordered - DUFFY, J.
12-10-73	WARREN C. ROBINSON - Bench warrant issued.
12-12-73	FRANK PELLEGRINO - Appears in court. The Court assigns Irwin Rochman as counsel THOMAS LENTINI - The court assigns firm of Lenefsky, Gallina, Mass, Berne M and Hoffman as counsel ESTELLE HANSEN - Bench warrant ordered. Duffy,J.
12-14-73	Filed Bill of particulars.
12-14-73	JOHN SPRINGER - Produced in Court on writ. No atty.present. The Court directs the deft report to U.S.Magistrate for assignment of counsel. Writ adjd to 12-19-73 Duffy, J.....
12-19-73	JOHN SPRINGER - Atty.present..Counsel moves for bail reduction..present bail is \$10,000. Bail reduced to \$5,000. Deft remanded in l:su of new bail fixed in sum of \$5,000. writ adjd until Jan.11-74..Duffy, J.
12-26-73	F.PELLEGRINO - Filed CJA appointment of counsel Irving Rochman 230 Park Ave. NYC
12-26-73	E. AL GREEN - Filed CJA appointment of counsel Harold Schwartz 16 Court St. Brooklyn, N.Y.
12-28-73	C. TRAMUNTI Et.Al. - Filed Govt's supplemental bill of particulars.
1-3-74	JOHN SPRINGER - Filed affirmation & notice of motion for an Order controverting any and all search and arrest warrants, supressing evidence...Ret.1-7-74
1-3-74	Filed order that Dr.H.L.Jaffe be employed to examin deft.FRANK PELLEGRINO to determine whether deft is able to stand trial on or about 1-14-74..CARTER, J.
1-3-74	Filed order that Dr.R.A.Shimm be employed to examine deft RICHARD FORBRICK to determine whether deft is able to stand trial on or about 1-14-74..DUFFY, J.
Jan.4-74	B.TOLOPKA - Filed memo endorsed on letter dtd.12-27-73 from Murray Richman,Esq. Deft's motion for a severance is denied. The request for a further bill of particulars is denied*****Duffy,J. Mailed notice
Jan.4-74	J.SPRINGER - Filed memo endorsed on letter dtd.12-28-73 from M.J.Siegel. The deft's motion for a bill of particulars denoting the exact time,date and place of alleged transaction is denied*****Duffy,J....Mailed notice
	(SEE OVER)
	3sa



DATE	PROCEEDINGS
1-7-74	PRE-TRIAL conference held before Judge Duffy. Trial to commence 1-14-74 as to all deft, EXCEPT..., CARMINE PUGLIESE, PAT DILACIO, WARREN ROBINSON, BASIL HANSEN, ESTELLE HANSEN, JOHN DOE, a/k/a JIMMY W. EARL, G. TOUTOIAN and A. LORIA, Each of which are SEVERED. COUNT 26 as to FRANK RUSSO severed. On oral request by Govt. R. Forbrick severed....Duffy, J.
1-8-74	THOMAS LENTINI - Produced in court on writ, atty. present. Deft WITHDRAWS plea of not guilty & PLEADS GUILTY. Previous P.S.I. report to be referred to. JOSEPH DELVECCHIO (Produced in Court on writ, atty. present....PLEADING adjd until 1-9-74 at 2p.m. Writ adjd until 1-9-74....Duffy, J.
1-9-74 *****	W. ALONZO - Filed affdvt. of T.M. Fortuin, AUSA in support of a writ.
1-8-74	V. PAPA - Filed affdvt. of W.M. Phillips, Jr. AUSA in support of a writ.
1-8-74	J. DINAPOLI - Filed affdvt. of W.M. Phillips, Jr. AUSA in support of a writ.
1-9-74	J. DINAPOLI - Produced on writ, atty. present. Motion to suppress adjd to 1-10-74 J. DELVECCHIO - Produced on writ, atty. present. Disposition adjd until Jan. 11-74 Writ adjd to Jan. 11-74.....Duffy, J.
1-9-74	JOHN GAMBA - Filed memo endorsed on 12-21-73 letter dated 12-21-73 for a further bill of particulars****The Govt. indicated that it would voluntarily give deft's certain particulars****The deft requests name of persons whom heroin was delivered***This request is granted....Duffy, J. Mailed notice.
1-9-74	MARY JANE SALVANI - Filed order that motion to dismiss count 1 is denied. Duffy, J.
1-9-74	W. ALONZO - Filed order that motion to dismiss count 1 is denied.... Duffy, J.
1-9-74	A. MAMONE - Filed order that motion to dismiss count 1 is denied...Duffy, J.
1-9-74	M.J. SALVANI - Filed motion confirming appointment, appointing a psychiatrist to to examine deft, to suppress & for sever her case....MEMO ENDORSED requests 1 and 2 are granted, request 4 is denied, request 3 will be disposed at later date.....Duffy, J. Mailed notice
1-9-74	C. TRAMUNTI - Filed notice of motion to suppress...With MEMO ENDOSED...Motion was disposed of at the pre-trial conference****Duffy, J.
1-10-74	F. PELLEGRINO) L. INGLESE) Filed order ...Motion to furnish statements by co-conspirators prior to trial is denied....Duffy, J.
1-10-74	F. PELLEGRINO - Filed order***The motion to order govt. to supply statements with respect to offers of leniency***is denied. These items will be turned over on night prior to time the govt. expects to call such witness...Duffy, J.
1-11-74	Filed Govt's exhibit 9a ordered sealed and placed in vault room 602
1-11-74	L. INGLESE - Filed affdvt. of W.M. Phillips, Jr. AUSA in support of a writ.

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DATE	PROCEEDINGS
1-11-74	A. MAMONE - Filed order***motion to sever is denied. Duffy, J.
1-11-74	H. SALLEY - Filed order. The govt. is directed to supplement its bill of particulars with respect to covert act 14....Duffy, J.
1-11-74	Filed order As to Loria, Pellegrino, Alonzo and Salvani, The govt is required to set forth particulars ***Duffy, J.
1-11-74	FRANK PELLEGRINO - with consent of Govt. deft is severed from trial. T. DAWSON - Atty. present. WITHDRAWS plea of not guilty and PLEADS GUILTY to count 1..P.S.I. ordered sentence adjd without date. Bail cont'd. \$25,000 P.R.B. DUFFY, J....
1-14-74	J. DELVECCHIO - Produced on writ, atty. present. WITHDRAWS plea of not guilty and PLEADS GUILTY to cts. 1, 11, 12, 13, 23, 24 & 27 only. PREVIOUS P.S. Report to be referred to. Sent. sine die....Duffy, J. MARY J. SALVIANI - No appearance (atty. present) Bench warrant ordered. WARREN C. ROBINSON - Bench warrant vacated & deft ordered fingerprinted & photographed...Court directs not guilty plea be entered. Bail cont'd. \$2500 P.R.B. in Washington.
1-15-74	Filed Govt's memorandum of law.
1-10-74	Filed in Court letter dtd 1-7-74 from U.S. Atty. with report of Dr. Harry L. Jaffe attached...
1-15-74	DOMINICK LESSA - No appearance...Bench warrant ordered....Duffy, J.
1-15-74	J. GAMBA - Filed endorsement****this is a motion for a further bill of particulars made at my request in informal letter form****THE deft also requests the name or names of the persons to whom the he. oin was delivered***This request is granted....Duff, J. m/n
1-15-74	AL GREEN - Filed notice of appearance by Harold Schwartz 16 Court St. Bklyn, N.Y.
1-16-74	Filed order, the defts move to dismiss the indictment in this matter, delay the trial or change venue. I do not believe that the news stories alluded to were so widespread***the motion is in all respects denied....Duffy, J....
1-16-74	Filed memo endorsed on J. Del Vecchio motion filed 12-4-73***The request not ruled upon heretofore are denied....Duffy, J. m/n
1-17-74	Filed order A motion was made for continuance because certain 3500 material was made prior to trial.****The motion for a continuance is denied... Duffy, J.
1-17-74	Filed order A motion was made to suppress govt's evidence in this case on the basis of taint****The motion is denied without prejudice to renewal after the verdict.....Duffy, J.
1-17-74	Filed Order & Opinion #10239: A motion was made by the deft John Springer to suppress certain narcotics and other paraphernalia seized when he was arrested on Dec 3, 1973, as indicated. The motion for suppression is denied in all respects. The deft can object to the offer of this evidence at the trial on the grounds of relevancy. A ruling will be made as to that objection at the trial at the trial after I have had an opportunity to determine its relevancy. So Ordered, Duffy, J.

DATE	PROCEEDINGS
Jan 17-74	Filed Opinion # 40240: On the evening of Feb 3, 1972 agents of the Joint Task Force were sent out to execute certain arrests. Both arrests were to be made in connection with the sale and distribution of narcotics. When said agents placed Vincent Pappi a conspirator and deft movant Joseph Di Napoli under arrest they found a suitcase containing nearly one million dollars in a green Pontiac they were riding in, owned by a rental car by a WIDE WORLD LEASING CORPORATION. It is this money which the deft. Di Napoli tried to suppress. The fact that the officers proved erroneous in their judgment that the seized narcotics does not invalidate the arrest if their initial belief was reasonable. If the officer acts with probable cause he is protected even though it turns out that citizen is innocent. Applying this standard the facts and circumstances on which the officers relied must be considered in their totality not as isolated events. Applying standards I find the Agent Tallatoni had probable cause to stop and arrest Vincent and Joseph Di Napoli on the night in question and had probable cause to search the automobile for contraband. That search reasonably included opening the suspect suitcase. The motion to suppress the evidence in question is therefore denied. So Ordered. Duffy
Jan 18-74	Filed Affidavit & Notice of Motion by Frank A. Lopez, (atty for deft. Di Napoli) for an order suppressing the introduction into evidence in these proceedings of all statements obtained and seized from the deft etc. as indicated above before Duffy, on Jan 7th, 1974.
Jan. 18-74	Filed Govt's reply memorandum of law to deft Inglesi's motion to dismiss ct. 2....
Jan. 21-74	Filed notice of motion to sever
Jan. 21-74	Frank Pugliese - Filed notice by U.S. ATTY. pursuant to 21 U.S.C. 849
Jan. 21-74	CARMIN TRAMUNTI - Filed notice by U.S. ATTY. pursuant to 21 U.S.C. 849
Jan. 21-74	JOSEPH DINAPOLI - Filed notice by U.S. ATTY. pursuant to 21 U.S.C. 849
Jan. 25-74	L. INGLESE - Filed affdvt. & notice of motion for disclosure.
Jan. 21-74	C. TRAMUNTI - L. INGLESE - D. CIRISTIANO - A. MAIONE - J. DINAPOLI - F. PUGLIESE - J. CERIALE - J. GAMBA - V. D'AMICO - B. TOLOPKA - J. MARCHESE - F. RUSSO - W. ROBINSON - A. GREENE - W. ALONZO - H. WARE - J. SPRINGER - H. SALLEY - JURY TRIAL BEGUN M. J. SALVIANI - Severed from trial. Bench warrant vacated. D. LESSA - Severed from trial - No appearance Govt. Moves for bail forfeiture (GRANTED \$25,000 cash or surety bond)
Jan. 22-74	TRIAL CONT'D.
Jan. 23-74	TRIAL CONT'D.
Jan. 24-74	TRIAL CONT'D.
Jan. 25-74	TRIAL CONT'D. Deft's motion to sever count 30 from this trial granted....Duffy, J. Filed Govt's exhibit 3503A ordered sealed and placed in vault, Room 602
1-24-74	Filed transcript of record of proceedings, dated 1-11-74
1-24-74	Filed transcript of record of proceedings, dated 1-14-74
1-25-74	Filed order of sequestration of the jurors and the alternate jurors in this case.
1-30-74	C. TRAMUNTI - Filed affdvt. & notice of motion to transfer the trial to another District Judge in S.D.N.Y. *** MEMO ENDORSED the motion was disposed of in open Court....on 1-21-74....Duffy, J.
1-30-74	J. SPRINGER - Filed request for voir dire

DATE	PROCEEDINGS
1-30-74	C. TRAMUNTI - Filed proposed examination of prospective jurors
1-30-74	JOHN GAMBA - Filed memorandum on behalf of deft as to relevance of money seized from deft DiNapoli.
1-30-74	J. DINAPOLI - Filed trial memorandum.
1-30-74	J. SPRINGER - Filed supplemental affirmation of M.J. Siegel, Esq.
1-30-74	Filed Govt's trial memorandum
1-30-74	R. FORBRICK - Filed envelope ordered sealed and placed in vault, room 602...Duffy, J.
2-1-74	Filed Courts exhibit # 24 ordered sealed and placed in vault Room 602...Duffy, J.
2-1-74	Filed Court exhibits 25 thru 47 (Tape cassetts & reel to reel tapes...Duffy, J.
2-4-74	Filed affdvt. in support of writ for H.H. Hamilton
1-29-74	Filed CJA appointment of Southern Dist. Court reporters
1-29-74	Filed CJA appointment of counsel Robert P. Leighton 15 Park Row NYC
2-4-74	Mailed original CJA appointment of Southern Dist. Court reporters
1-22-74	V. PAPA - Filed writ with marshal's return writ satisfied...Metzner.
1-28-74	TRIAL CONT'D.
1-30-74	TRIAL CONT'D.
1-31-74	TRIAL CONT'D.
2-1-74	TRIAL CONT'D.
2-4-74	TRIAL CONT'D.
2-5-74	TRIAL CONT'D.
2-6-74	TRIAL CONT'D. Hearing begun on motion to suppress evidence on behalf of DEFT HATTIE WARE...Hearing concluded..Decision Reserved.
2-8-74	HENRY SALLEY - Filed CJA appointment of Harry Pollak 299 B'Way NYC...Duffy, J.
2-8-74	Filed Court exh. #56 Notes of Richard Miller (6 pages) ordered sealed & placed in vault, Room 602.....Duffy, J.
2-11-74	Filed order that three copies of the local papers be purchased for use by the Jurors*****Duffy, J.
2-11-74	Filed Court exhibit #59 (Reporting officers reports) ordered sealed and placed in vault....Duffy, J.
2-11-74	Filed Court exhibit #61 (G.J. of the special narcotics Courts-city of N.Y.) ordered sealed and placed in vault....Duffy, J.
**	
2-8-74	H.H. HAMILTON - Filed writ with marshal's return//Writ satisfied...Lasker, J.
2-13-74	Filed Govt's memorandum of law... By T.M. Fortuin, AUSA.

2-14-74	J. SPRINGER - Mailed Original CJA copy 1 to A.O. for payment of So. Dist. Court repor



DATE	PROCEEDINGS
2-7-74	TRIAL CONT'D.
-8-74	TRIAL CONT'D.
2-11-74	TRIAL CONT'D.
-12-74	TRIAL CONT'D.
-13-74	TRIAL CONT'D.
-14-74	TRIAL CONT'D. Counsel for deft Al Greene moves for a continuance - DENIED - the Court orders that deft AL GREENE be severed from this trial.
-14-74	H. WARE - Filed memorandum an order***Motion to suppress is denied.
2-15-74	TRIAL CONT'D.
2-16-74	TRIAL CONT'D.
2-18-74	TRIAL CONT'D. Filed Govt's exhibits 3570A 3571A 3572A 3573A 3574 ordered sealed and placed in vault room 602....Duffy, J.
2-19-74	TRIAL CONT'D.
2-19-74	Filed order, deft FRANK RUSSO motion to vacate an order entered on Jan. 7-74, severing from the trial of this case count 26****The deft's motion is denied. Duffy, J.
2-19-74	Filed court exhibit 67id (Govt. exh. 3575A ordered sealed and placed in vault rm. 602 *** Duffy, J...
2-14-74	Filed order that atty's have agreed to share cost of transcription on an aliquot basis***the share of such costs be paid by U.S. as a disbursement pursuant to 18 U.S.C. 3006(a)(e)...Duffy, J.
-20-74	Filed CJA authorization of So. Dist. Court Reporters.
2-22-74	Filed Govt's exhibits 3580, 3581, 3582 ordered sealed and placed in vault....Duffy, J.
2-20-74	TRIAL CONT'D.
2-21-74	TRIAL CONT'D.
2-22-74	TRIAL CONT'D.
2-23-74	TRIAL CONT'D. Adjd until 2-25-74
2-25-74	TRIAL CONT'D.
2-26-74	TRIAL CONT'D. COUNT 27 is dismissed as to all deft's on trial, on motion of deft's counsel, no objection by the Govt.
2-27-74	TRIAL CONT'D.
2-28-74	TRIAL CONT'D.
3-1-74	TRIAL CONT'D. Deft's rest, Both sides rest.
3-4-74	TRIAL CONT'D. The Court ordered a directed verdict of ACQUITTAL as to J. MARCHESE deft's bail exonerated....Summations begun by defense.

DATE	PROCEEDINGS
3-11-74	Xhibition JOSEPH MARCHESE - Filed in Court on Jan. 21-74 2nd offender information.
3-11-74	DOMINICK LESSA - Filed in Court on Jan. 21-74 2nd offender information
3-11-74	JOHN GAMBA - Filed in Court on Jan. 21-74 2nd offender information.
3-11-74	DONATO CHRISTIANO - Filed in Court on Jan. 21-74 2nd offender information.
3-5-74	Trial cont'd. summations cont'd by defense.
3-5-74	Trial cont'd. " " " "
3-7-74	Trial cont'd. Summations cont'd & concluded by the defense. Summations begun by the Govt.
3-8-74	Trial cont'd. Judge charges Jury....JURY BEGINS deliberations at 9:30. Jury retires at 10 p.m.
3-9-74	Trial cont'd. Jury continues deliberations at 10 a.m. Jury retires at 7 p.m.
3-10-74	Trial cont'd. Jury resumes deliberations. Jury retires at 10:40,
3-11-74	Trial cont'd....Jury resumes deliberation. Jury retires at 10 p.m.
3-12-74	Trial cont'd Jury resumes deliberations
3-13-74	Trial cont'd. Jury returns with a partial verdict at 3:50 p.m. CARMTNE TRAMUNTI - GUILTY ON COUNT 1. LOUIS INGLESE - GUILTY ON COUNTS 1,3,4,5,6,8,11,12,13,14,23,24 & 28. DONATO CHRISTIANO - GUILTY ON COUNTS 1,11,12 & 13. ANGELO MAMONE - GUILTY ON COUNT 1. JOSEPH DINAFOLI - GUILTY ON COUNTS 1 & 21 FRANK PUGLIESE GUILTY 1,16,18 & 20. JOSEPH CERIALE GUILTY 1,23 & 24. JOHN GAMBA GUILTY on COUNT 1. VINCENT D'AMICO GUILTY on COUNTS 1 & 25.
	FRANK RUSSO GUILTY ON COUNTS 1 & 16. WARREN C. ROBINSON GUILTY on COUNT 1. WILLIAM ALONZO GUILTY on COUNT 1. HATTIE WARE GUILTY on COUNT 1. JOHN SPRINGER GUILTY on COUNTS 1 & 19. HENRY SALLEY GUILTY on COUNT 1. PRE-SENTENCE reports order. Sentence adj'd until April 22, 1974 at 10 a.m. The following deft's have now had their bail revoked and are REMANDED. D.Christiano....F.Pugliese....W.Robinson....J.Springer....H.Salley and J.GAMBA.
	The following defts who were previously in custody are remanded until sentencing C. TRAMUNTI...L. INGLESE, J. DINAFOLI...V. D'AMICO....W. ALONZO. The following deft's are cont'd on present bail...A.MAMONE (\$10,000) J.CERIALE (\$10,000) F. RUSSO H.WARE \$5,000 PRB cash. B.TOLOPKA'S motion for mistrial made orally -Govt.opposes..The Court declares a mistrial....LOUIS INGLESE-Counsel moves for severance as to count 2..Govt. opposes. The Court severs count #2 as to Inglese....Duffy, J.
	988
	(Cont'd. on page 10)

DATE	PROCEEDINGS
-74	Filed(March 9-74) Court exhibit #79id note from jury ordered sealed and placed in vault rm. 602.....Duffy, J.
-74	FRANK PELLIGRINO - Mailed Orig. CJA copy 1 to the A.O.Wash.D.C. For payment of I.Rochman Esq.....Duffy, J.
-74	ROBINSON, GAMBA, SPRINGER, SALLEY, MARCHESE, ALONZ AND WARE - FILED AND MAILED COPY I OF THE CJA TO THE A.O. FOR (ADLER REPORTING SERVICE IS MARK ROW) SERVICES AS TO EACH DEFT. VOUCHERS APPROVED. Duffy, J.
0-74	Filed in Court on Jan. 7-74 Govt's memorandum of law in opposition to deft SPRINGER'S motion to suppress.
0-74	Filed in Court on Jan. 7-74 affdvt. of Thomas Fortuin, AUSA dtd. is 1-7-74.
-74	Filed defense contention for Frank Pugliese
-74	Filed contentions for Joseph DiNapoli
-74	Filed Govt's supplemental requests to charge
-74	Filed Angelo Mamone's requests to charge
-74	Filed deft Mamone's evidentiary request to charge
-74	Filed TRAMUNTI requested modifications to Courts proposed charge
-74	Filed Govt's objections to proposed charge
-74	Filed CHRISTIANO and INGLESE requests for additions to the proposed charge
-74	Filed MARCHESE'S suggestions to Court's proposed charge
-74	Filed TRAMUNTI supplemental requests
-74	Filed W.ROBINSON request to charge
-74	Filed J.GAMBA'S requests to charge
-74	Filed CHRISTIANO'S request to charge
-74	Filed requested factual charge and contentions of J.CERIALE
-74	Filed FRANK RUSSO requests to charge
-74	Filed Govt's memo of law(On out-of-court identification)
-74	Filed Govt's request to charge.
-74	Filed order....Applications of C.Pugliese and D.Christiano to same withdraw remand of them***The applications are denied.....Duffy, J.
-74	J.MARCHESE - Filed motion pursuant to rule 29a F.R.Crim.p. with MEMO ENDORSED The relief requested in the within motion was granted in open Court on March 4-74....Duffy, J.
-74	J.SPRINGER - Filed memo endorsed on motion filed 1-3-74....Motion denied in open Court after a hearing....Duffy, J.
-74	JOHN GAMBA - Filed order***the deft was convicted in this case***He now seeks to have the Court vacate that order and release him on bail. The motion is denied in all respects.....Duffy, J.....
-74	J.GAMBA - Filed CJA appointment of Southern Dist.Court Reporters.
-74	J.SPRINGER - Filed order the deft seeks to have the Court vacate remand order*** the motion must be denied in all respects....Duffy, J.

DATE	PROCEEDINGS
4-1-74	ANGELO MAMONE - Filed affdvt. & notice of motion for judgment of acquittal or a new trial-----Ret. 4-5-74.
4-1-74	ANGELO MAMONE - Filed memorandum in support of above motions.
4-2-74	C. Tramunti - Filed Affidavit & Notice of Motion for an order directing the acquittal of the deft. Carmine Tramunti, etc. as indicated, rtble before Duffy, on 4-5-74.
4-2-74	FRANK RUSSO - Filed affdvt. & notice of motion for the acquittal of the deft. ret.4-5-74
4-2-74	WILLIAM ALONZO - Filed order....I hereby give my permission for William Alonzo to marry*****Duffy, J.
4-2-74	JOHN GAMBA - Filed order *** H. Leonard King, Esq. is relieved of his assignment and Robert B. Fiske, Jr. is substituted for all respects....Duffy, J.
4-2-74	Filed memorandum (Govt's) in support of its offer to introduce rebuttal testimony.
4-2-74	Henry Salley Filed affdvt. of Harry R. Pollak, ESQ. Dtd. 3-27-74...With memo endorsed. This affdvt. and its supporting papers have been considered as a motion****That Motion is denied.....Duffy, J.
Apr. 23-74	WILLIAM ALONZO - Filed order***The U.S. Marshals transport the deft from his place of incarceration to the U.S. COURTHOUSE***to accomplish his prompt appearance for sentencing.....DUFFY, J.
Apr 25-74	Filed transcript dated. Feb 19-20-21-22, 1974.
Apr 25-74	Filed transcript. dated March 1,4,5,6,7,8 1974.
Apr 25-74	Filed transcript dated Feb 26,27,28, & March 1, 1974
Apr 25-74	Filed transcript dated March 8,9,10,11,12,13, 1974.
Apr 25-74	Filed transcript dated March, 8,9,10,11,12, 13, 1974.
Apr 25-74	Filed transcript dated Feb 14,15,16,18,1974.
Apr 25-74	Filed transcript dated Feb 8,11,12,13, 1974.
Apr 25-74	Filed transcript dated Feb 23,25,26,27 1974.
Apr. 25-74	Filed order that the Warden of Federal Penintentiary Atlanta, Ga. permit Martin Jay Siegel, Esq. to confer with JOHN SPRINGER.....Duffy, J.
Apr. 22-74	VINCENT D'AMICO - Filed notice of appeal. Copy given to U.S. Atty. and mailed to deft at Federal Detention NYC...Leave to appeal in forma pauperis granted. Duffy, Ent. 4-26-74 /final judgment
Apr. 22-74	HENRY SALLEY - Filed notice of appeal. Copy given to U.S. Atty. and mailed to deft. at Federal Detention NYC...Leave to appeal in forma pauperis granted. Duffy, J. Ent. 4-26-74 /final judgment

DATE	PROCEEDINGS
Apr.22-74	JOHN SPRINGER - Filed notice of appeal from final judgment of Apr.22-74: Leave to appeal in forma pauperis granted...Duffy, J. Copy given to U.S.ATTY. and mailed to deft at Federal Detention NYC...Ent. 4-26-74.
Apr.23-74	JOHN GAMBA - Filed notice of appeal from final judgment of Apr.22-74. Leave to appeal in forma pauperis granted...Duffy, J. Copy given to U.S.ATTY. and mailed to deft at Federal Detention NYC...Ent.4-26-74.
Apr.23-74	ANGELO MAIONE - Filed notice of appeal from final judgment of Apr.22-74. Copy given to U.S.ATTY. and mailed to deft at 1289 Hobart Ave. Bronx, N.Y. Ent.on 4-26-74.
Apr.22-74	WARREN ROBINSON - Filed deft's financial affdvt.
Apr.22-74	HATTIE WARE - Filed deft's financial affdvt.
April 22-74	VINCENT D'AMICO - Filed Judgment(Atty. George D. Rosenbaum, present) The deft is committed for imprisonment for a period of FIVE YEARS on each of counts 1 and 25 to run concurrently with each other. Pursuant to the provisions of Ti. 21, Section 841, U.S. Code, the deft is placed on special parole for a period of THREE YEARS, to commence upon expiration of confinement....Pursuant to Section 4208(a)(2) of Ti. 18, U.S. Code, deft shall become eligible for parole at such time as the Board of Parole may determine.....Duffy, J.....Ent. 4-29-74.... Deft. is remanded..
22-74	HENRY SALLEY - Filed Judgment(Atty. Harry Pollak, present) The deft is committed for imprisonment for a period of FIVE YEARS....Pursuant to the provisions of Section 841 of Ti.21, U.S. Code, deft is placed on special parole for a period of THREE YEARS, to commence upon expiration of confinement....Duffy, J....Ent.4-29-74.... Deft. is remanded...
2-74	JOHN SPRINGER - Filed Judgment(Atty. Martin Jay Siegel, present) The deft is committed for imprisonment for a period of FIFTEEN YEARS on each of counts 1 and 19. Sentence on counts 1 and 19 to run concurrently with each other. Pursuant to the provisions of Section 841 of Ti.21, U.S. Code, deft is placed on special parole for a period of THREE YEARS, to commence upon expiration of confinement...Duffy, J....Ent. 4-29-74.... Deft is remanded...
2-74	JOHN GAMBA - Deft Admits being the same person previously convicted as indicated on the within information and admits being a 2nd Federal Narcotics offender. Filed Judgment(Atty. Robert Fiske, present) The deft is committed for imprisonment for a period of EIGHT YEARS...Pursuant to the provisions of Section 841 of Ti.21, U.S. Code, deft is placed on special parole for a period of SIX YEARS, to commence upon expiration of confinement..... Deft is remanded....Duffy, J. Ent. 4-29-74.....
2-74	ANGELO MAMONE - Filed Judgment(Atty. Robert L. Ellis, present) the deft is committed for imprisonment for a period of TEN YEARS...Deft continued on present bail (\$10,000.) pending appeal.....Duffy, J.....Ent.4-29-74....

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(Cont'd. on page 13)

DATE	PROCEEDINGS
4-22-74	WARREN C. ROBINSON a/k/a ALAN - Filed Judgment(Atty. Robert P. Leighton, present) The deft is committed to custody for imprisonment for a period of SIX YEARS. Pursuant to the provisions of Section 841 of Ti.21, U.S. Code, deft is placed on special parole for a period of THREE YEARS, to commence upon expiration of confinement....Deft is placed on \$10,000. Bail pending appeal. Duffy, J.....Ent.4-30-74.....
4-22-74	HATTIE WARE - Filed Judgment(Atty. Edward Panzer, present) It is adjudged that the deft is sentenced to FIVE YEARS on count 1. Execution of the prison sentence is suspended....Deft is placed on probation for a period of FIVE YEARS, subject to the standing probation order of this Court....Duffy, J.....Ent.4-30-74....
4-26-74	THOMAS LENTINI a/k/a Moe - Filed Judgment(Atty. Gino Gallina, present) Deft produced in court on a writ.) the deft is committed for imprisonment for a period of FIFTEEN YEARS on each of counts 1 and 23 to run concurrently with each other and concurrently with the sentence imposed on indictment 73Cr.327. Pursuant to the provisions of Section 841 of Ti.21, U.S. Code, deft is placed on special parole for a period of TEN YEARS, to commence upon expiration of confinement.....Counts 24, 28 & 29 dismissed on Govt's motion, no objection by the defense.....Duffy, J.....Ent.4-30-74.....
4-30-74	WARREN C. ROBINSON - Filed notice of appeal from judgment of 4-22-74...Leave to appeal in forma pauperis granted...Duffy, J.....Copy given to U.S. Atty. and mailed to deft at 1224 Hamilton N.W. Wash.D.C.
4-30-74	H. Salley - Filed CJA appointment of Southern Dist. Court Reporters...Duffy, J.
5-2-74	John SPRINGER - Filed remand dated 3-13-74
5-2-74	W. ROBINSON - Filed remand dated 3-13-74
5-2-74	J. GAMBA - Filed remand dated 3-13-74
5-2-74	H. SALLEY - Filed remand dated 3-13-74
5-2-74	J. SPRINGER - Filed commitment & entered return, Deft delivered to F.D.H. 74
5-2-74	W. ROBINSON - Filed commitment & entered return, Deft delivered to F.D.H. 74
5-2-74	H. SALLEY - Filed commitment & entered return, Deft delivered to F.D.H. 74
5-2-74	J. GAMBA Filed commitment & entered return, Deft delivered to F.D.H. 74
5-2-74	WILLIAM ALONZO - Filed notice of appeal from judgment of 5-2-74...Copy to U.S. ATTY. and Mailed to deft at 1414 Hazen St. East Elmhurst, N.Y....Leave to appeal in forma pauperis is granted...So Ordered...Duffy, J.
5-2-74	Filed transcript of record of proceedings, dated JAN. 25, 28, 30, 31, 1974 + Feb. 1
5-2-74	Filed transcript of record of proceedings, dated Feb. 4-5-6/7, 1974

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DATE	PROCEEDINGS
7-4	Filed opinion and order #40666 following a nine week jury trial the deft C.Tramunti and 14 others were convicted of conspiracy****THE govt. had filed and served a notice under 21 U.S.C. 849 which charged the deft Tramunti is a dangerous special drug offender****since the govt. violated the filing provision of Section 849(a) I feel the special dangerous notice must be dismissed as to Tramunti****Finally, I urge that the govt. avail itself of the provisions of Section 949(h) and immediately appeal this decision****Duffy, J....notice mailed to counsel...
3-74	FRANK RUSSO - Filed notice of appeal from Judgment of 5-2-74.. Copy given to U.S. Atty. and mailed to deft at 1652 Research Ave. Bronx, N.Y...Leave to appeal in forma pauperis is granted...Duffy, J.....Ent.on docket 5-6-74..
**	
5-74	Filed Govt's memorandum of law in support of its notice filed pursuant to 21:849
7-4	FRANK RUSSO - Filed Judgment(Atty. Michael Dowd, present) the deft is committed for imprisonment for a period of EIGHT YEARS on each of counts 1 & 16. Sentence on counts 1 & 16 to run concurrently with each other.. Pursuant to the provisions of Section 841 of Ti.21, U.S.Code, deft is placed on special parole for a period of SIX YEARS, to commence upon expiration of confinement...The Court recommends commitment to Lewisburg, Pa....Dft. is remanded.....Duffy, J....Ent.5-8-74....
7-4	WILLIAM ALONZO - Filed Judgment(Atty. Gary Sunden, present) the deft is committed for imprisonment for a period of EIGHT YEARS on count 1.. Pursuant to the provisions of Section 841 of Ti.21, U.S.Code, the deft is placed on special parole for a period of FIVE YEARS, to commence upon expiration of confinement....It is recommended that the Atty. Gen'l pursuant to Section 4082 of Ti.18, U.S.Code, arrange to have this sentence served concurrently with sentence deft will be serving in State Court. Should the State court confinement terminate prior to the completion of the sentence herein, deft shall be transferred to Federal custody...Dft is remanded. Duffy, J.....Ent.5-8-74-----
7-4	WILLIAM ALONZO - Filed Judgment(Atty. Gary Sunden, present) the deft is committed for imprisonment for a period of EIGHT YEARS on count 1.. Pursuant to the provisions of Section 841 of Ti.21, U.S.Code, the deft is placed on special parole for a period of FIVE YEARS, to commence upon expiration of confinement....It is recommended that the Atty. Gen'l pursuant to Section 4082 of Ti.18, U.S.Code, arrange to have this sentence served concurrently with sentence deft will be serving in State Court. Should the State court confinement terminate prior to the completion of the sentence herein, deft shall be transferred to Federal custody...Dft is remanded. Duffy, J.....Ent.5-8-74-----
7-1	JOSEPH CERIALE a/k/a JOE RED - Filed Judgment(Atty. Kenneth Warner, present) the deft is committed for imprisonment for a period of THREE YEARS on each of counts 1, 23 & 24 to run concurrently with each other. Pursuant to the provisions of Section 841 of Ti.21, U.S.Code, the deft is placed on special parole for a period of SIX YEARS, TO COMMENCE upon expiration of confinement...Pursuant to Section 4208(a)(2) of Ti.18, U.S.Code, Dft shall become eligible for parole at such time as the Board of Parole may determine. Count 27 was dismissed on Feb. 26, 1974 during trial. Dft cont'd on present bail (\$10,000) pending appeal..Duffy, J....Ent.5-9-74.....
4	C. TRAMUNTI - Filed memo endorsed on motion of 4-2-74....Motion disposed of in accordance with memorandum & order dated May 3-74....Duffy, J.
4	CARMINE TRAMUNTI - Filed Judgment(Atty. Herbert Siegal, present) Dft produced in Court on a writ. Dft is committed for imprisonment for a period of FIFTEEN YEARS on count 1. Sentence imposed on count 1 to run CONSECUTIVELY with sentence imposed on Feb. 27, 1974 by Judge Bauman on 73 Cr. 514. Pursuant to the provisions of Section 841 of Ti.21, U.S.Code, the deft is placed on special parole for a period of THREE YEARS, to commence upon expiration of confinement...Count 27 was dismissed on Feb. 26, 1974 during trial.....Duffy, J.....Ent.5-9-74.....

DATE	PROCEEDINGS
5-7-74	JOSEPH DINAPOLI - Filed Judgment(Atty. Frank A. Lopez, present) Deft produced in court on writ) the deft is committed for imprisonment for a period of FIFTEEN YEARS on count 1.... FIVE YEARS on count 21... Sentence imposed on count 21 to run CONSECUTIVELY with sentence imposed on count 1. Prison sentence on counts 1 & 21 to run concurrently with prison sentence imposed on Jan. 4, 1973 by Judge MacMahon on indictment 72 Cr. 1021... Pursuant to the provisions of Section 841 of Ti. 21, U.S. Code, the deft is placed on special parole for a period of THREE YEARS, TO COMMENCE upon expiration of confinement.... DUFFY, J..... Ent. 5-9-74.....
5-9-74	CAROLINE TRAMANTI - Filed notice of appeal from Judgment of 5-7-74.. Copy given to U.S. Atty. and mailed to deft at Mens House of Detention 427 West St. NYC
5-9-74	JOSEPH DI NAPOLI) Filed notice of motion to set aside jury verdicts... Memo FRANK PUGLIESE) endorsed.... MOTION DENIED. So Ordered... Duffy, J....
5-9-74	A. MAMONE - Filed memo endorsed on motion filed 4-1-74.... MOTION DENIED.. So Ordered... Duffy, J.
5-9-74	H. SALLEY - Filed notice of motion to set aside jury verdict... MOTION DENIED.. So Ordered... Duffy, J.
5-9-74	F. RUSSO - Filed memo endorsed on motion filed 4-2-74.... MOTION DENIED... Duffy, J.
5-9-74	J. GAMBA - Filed stip. & order that the time for deft to transfer the record on appeal is extended to and including July 22, 1974... Duffy, J.
5-9-74	A. MAMONE - Filed memorandum in support of motions pursuant to rules 29(c) and 33...
5-10-74	JOSEPH DI NAPOLI - Filed notice of appeal from Judgment of 5-7-74.. Copy given to U.S. Atty. and mailed to deft at Mens House of Detention 427 West St. NYC
-10-74	FRANK PUGLIESE - Filed Judgment(Atty. Theodore Rosenberg, present) the deft is committed for imprisonment for a period of TEN YEARS, on each of counts 1, 16, 18 & 20 to run concurrently each other... Pursuant to the provisions of Ti. 21, Section 841, U.S. Code, the deft is placed on special parole for a period of THREE YEARS, to commence upon expiration of confinement..... Deft is remanded..... Duffy, J.... Ent. 5-10-74.....
-10-74	JOSEPH CERIALE - Filed notice of appeal from Judgment of May 3, 1974 Copy given to U.S. Atty. and Mailed to deft at 8 Cambridge St. Yonkers, N.Y. Ent. 5-13-74
-11-74	HATTIE WARE - Filed notice of appeal from judgment of Apr. 22, 1974.. Copy given to U.S. ATTY. and mailed to deft at 1380 University Ave. Bronx, N.Y.... Ent. on 5-15-74....
-14-74	F. RUSSO Filed commitment & entered return, D.E. delivered to Fred. Detention Hdqrs. - M.Y.C.
-8-74	W. C. ROBINSON Filed remand dated 4-22-74
-15-74	J. GAMBA - Filed CJA appointment of So. Dist. Court Reporters... -15-74 W. ROBINSON - Filed CJA appointment of So. Dist. Court Reporters... 9

(Cont'd. on page 16)

Madden,
DUFFY, J.

DATE	PROCEEDINGS
17-74	FRANK PUGLIESE - Filed notice of appeal from judgment of May 10, 1974. Copy given to U.S. Atty. and mailed to deft. at 427 West St. NYC.
16-74	JOSEPH DELVECCHIO - Filed Judgment (Atty. Jeffrey Hoffman, present) Deft produced in Court on a writ. The deft is committed for imprisonment for a period of FIVE YEARS on each of counts 11, 12, 13, 23, 24 & 27 to run concurrently with each other. FIFTEEN YEARS on count 1. Prison sentence imposed on count 1 to run concurrently with prison sentence imposed on counts 11, 12, 13, 23, 24 & 27. Prison sentence imposed on counts 1, 11, 12, 13, 23, 24 & 27 to run concurrently with prison sentence imposed on July 2, 1973 by Judge Gagliardi on indictment 73 Cr. 229. Pursuant to the provisions of Section 841 of Ti. 21, U.S. Code, deft is placed on special parole for a period of THREE YEARS, to commence upon expiration of confinement. Counts 3 & 4 are dismissed on defense counsel's motion with the consent of the Govt. Court recommends Lewisberg, Pa.
	Duffy, J. Ent. 5-20-74 -----
21-74	Letter from Richard Delmer dated 5-17-74 to Judge Duffy placed in files.
15-74	H. WARE
15-74	W.C. ROBINSON - Mailed original CJA copy 1 to the A.O. Wash. for payment.
5-15-74	J. GAMBA - Mailed original CJA copy 1 to A.O. for payment of So. Dist. Court Reporters.
5-15-74	H. Salley - Mailed original CJA copy 1 to the A.O. Wash. for payment of So. Dist. Court Reporters.
15-74	J. MARCHESE
	W. ALONZO - Mailed original CJA copy 1 to the A.O. Wash. for payment of So. Dist. Ct. Reporters.
6-74	F. PUGLIESE - Filed remand dated 3-13-74.
6-74	F. RUSSO - Filed remand dated 5-2-74.
11-74	F. PUGLIESE - Filed commitment & entered return, Deft delivered to F. D. H. on MAY 10-74
11-74	J. DINAPOLI - Filed commitment & entered return, Deft delivered to F. D. H. on MAY 7-74.
4	DONATO CHRISTIANO a/k/a Finnegan - Filed Judgment (Atty. Ivan Fischer, present) Deft having admitted that he was previously convicted on 1 separate Federal Narcotic Conviction and is subject to sentence as a Second Narcotics Offender. The deft is committed for imprisonment for a period of TEN (10) YEARS on each of counts 1, 11, 12 & 13 to run concurrently with each other. Duffy, J. Ent. 5-28-74 -----
4	LOUIS INGLESE a/k/a Gigi - Filed Judgment (Atty. Nancy Rosner, present) Deft produced on a writ. The deft is committed for imprisonment for a period of TWENTY YEARS on Count 1. TWENTY YEARS on each of cts. 3, 4, 5, 6, 8, 11, 12, 13 & 14 to run concurrently with each other but CONSECUTIVELY with prison sentence imposed on count 1. FIFTEEN YEARS on each of Cts. 23, 24 & 28 to run concurrently with each other and CONCURRENTLY with prison sentence imposed on cts. 1, 3, 4, 5, 6, 8, 11, 12, 13 & 14. Pursuant to the provisions of Section 841 of Ti. 21, U.S. Code, the deft is placed on Special Parole for a period of THREE YEARS, to commence upon expiration of confinement. The entire sentence of imprisonment is to run CONSECUTIVELY with prison sentence imposed by Judge Palmieri on indictment 73 Cr. 651. Duffy, J. Ent. 5-28-74 ---

J

DATE	PROCEEDINGS
5-29-74	LOUIS INGLESE - Filed notice of appeal from judgment of May 22, 1974. Copy given to U.S. Atty. & Mailed to deft at Federal Correctional Institution Lewisburg, Pennsylvania 17837
5-29-74	DONATO CHRISTIANO - Filed notice of appeal from judgment of May 22, 1974. Copy given to U.S. Atty. & Mailed to deft at Federal Correctional Institution Lewisburg, Pennsylvania 17837
5-29-74	JOHN SPRINGER - Filed Findings of Fact****I find that there is a great risk of fugitivity if this deft, who has already been sentenced to fifteen years imprisonment, were to be released on bail.....Duffy, J....
5-31-74	T. Lentini Filed commitment & entered return. Dkt delivered to Fed. Detention Hdg. T., N.Y.C.
5-31-74	D. CHRISTIANO - Filed commitment & entered return, Dkt delivered to Fed. Det. Hdg. T., N.Y.C.
5-31-74	V. D'AMICO - Filed commitment & entered return, Dkt delivered to Fed. Det. Hdg. T.
5-31-74	L. INGLESE Filed commitment & entered return, Dkt delivered to Fed. Det. Tim Hdg. T.
5-31-74	J. SPRINGER - Filed CJA appointment of So. Dist. Court Reporters...
5-31-74	D. CHRISTIANO - Filed remand date 3-13-74.
6-6-74	Filed letter dtd. May 12-74 from F. Pugliese to Judge Duffy.
6-19-74	Filed transcript of record of proceedings dated May 10-74
6-19-74	Filed transcript of record of proceedings dated May 22-74 10:15 am
6-19-74	Filed transcript of record of proceedings dated May 22-74 10:45 am
5-9-74	W. ALONZO Filed memo endorsed on letter date 5-3-74... Motion denied. Duffy, J. Mailed copy to deft. Rcd in Unit 3 on 6-26-74.
6-20-74	MAMONE: Filed designation by stipulation that a copy of document attached be transmitted to USCA as part of the record on appeal.
6-26-74	ALONZO: Filed commitment & return Deft. Delivered to FDH on 6-20-74.
6-27-74	Filed transcript of record of proceedings dated Jan. 21, 22, 23, 24-1974.
6-27-74	Filed stipulation that all exhibits be transmitted/included in the record on appeal.
6-27-74	Filed order that documents ordered sealed by the Court and impounded be removed for transmission to USCA and upon conclusion that said documents be placed in the vault.DUFFY, J.
	ONLY COPY AVAILABLE

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

73 CRIM. 1099

UNITED STATES OF AMERICA

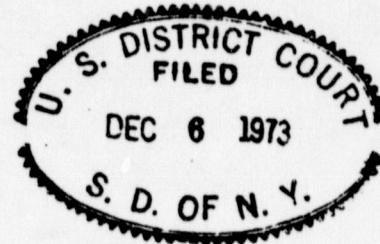
-v-

CARMINE TRAMUNTI,
 LOUIS INGLESE, a/k/a "Gigi",
 JOSEPH DELVECCHIO, a/k/a "Joe Crow",
 DONATO CHRISTIANO, a/k/a "Finnegan",
 THOMAS LENTINI, a/k/a "Moe",
 ANGELO MAMONE, a/k/a "Butch",
 JOSEPH DINAPOLI,
 CARMINE FUGLIESE,
 PAT DILACIO,
 FRANK PUGLIESE, a/k/a "Butch",
 JOSEPH CERIALE, a/k/a "Joe Red",
 JOHN GAMBA, a/k/a "Sinatra",
 ANTHONY LORIA,
 VINCENT D'AMICO, a/k/a Vincent Rizzo,
 DOMINICK LESSA,
 BENJAMIN TOLOPKA;
 GEORGE TOUTOIAN,
 FRANK PELLEGRINO, a/k/a "Swifty",
 JOSEPH MARCHESE, a/k/a "Joe Cab",
 RICHARD FORBRICK,
 FRANK RUSSO,
 WARREN C. ROBINSON, a/k/a "Alan",
 THOMAS DAWSON, a/k/a "Tennessee",
 AL GREENE,
 WILLIAM ALONZO, a/k/a Butch Ware,
 HATTIE WARE,
 JOHN SPRINGER, a/k/a "Hank",
 MARY JANE SALVIANI, a/k/a "Liz",
 HENRY SALLEY,
 BASIL HANSEN,
 ESTELLE HANSEN, and
 JOHN DOE, a/k/a "Jimmy Wyatt Earp",

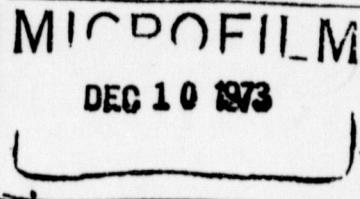
Defendants. :

The Grand Jury charges: -----x

1. From on or about the 1st day of January, 1969,
 and continuously thereafter up to and including the date of
 the filing of this indictment, in the Southern District of New York,



INDICTMENT
S73 Cr.



CARMINE TRAMUNTI,
LOUIS INGLESE, a/k/a "Gigi",
JOSEPH DELVECCHIO, a/k/a "Joe Crow",
DONATO CHRISTIANO, a/k/a "Finnegan",
THOMAS LENTINI, a/k/a "Moe",
ANGELO MAMONE, a/k/a "Butch",
JOSEPH DINAPOLI,
CARMINE PUGLIESE,
PAT DILACIO,
FRANK PUGLIESE, a/k/a "Butch",
JOSEPH CERIALE, a/k/a "Joe Red",
JOHN GAMBA, a/k/a "Sinatra",
ANTHONY LORIA,
VINCENT D'AMICO, a/k/a Vincent Rizzo,
DOMINICK LESSA,
BENJAMIN TOLOPKA,
GEORGE TOUTOLAN,
FRANK PELLEGRINO, a/k/a "Swifty",
JOSEPH MARCHESE, a/k/a "Joe Cab",
RICHARD FORBRICK,
FRANK RUSSO,
WARREN C. ROBINSON, a/k/a "Alan"
THOMAS DAWSON, a/k/a "Tennessee",
AL GREENE,
WILLIAM ALONZO, a/k/a Butch Ware,
HATTIE WARE,
JOHN SPRINGER, a/k/a "Hank",
MARY JANE SALVIANI, a/k/a "Liz",
HENRY SALLEY,
BASIL HANSEN,
ESTELLE HANSEN, and
JOHN DOE, a/k/a "Jimmy Wyatt Earp",

the defendants, and others to the Grand Jury known and unknown, unlawfully, wilfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 173, 174, 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

2. It was part of said conspiracy that the said defendants unlawfully, wilfully and knowingly would receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a quantity of narcotic drugs, the exact amount thereof being to the Grand Jury unknown, after the said narcotic drugs had been imported and brought into the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Sections 173 and 174 of Title 21, United States Code.

3. It was further part of said conspiracy that the said defendants and co-conspirators unlawfully, wilfully, intentionally and knowingly would distribute and possess with intent to distribute Schedule I and II narcotic drug controlled substances, the exact amount thereof being to the Grand Jury unknown in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. In or about November, 1969, defendant LOUIS INGLESE transported a clear plastic bag containing heroin to Diane's Bar, 2032 Second Avenue, New York, New York.

2. In or about August, 1970, defendant BENJAMIN TOLOPKA received a quantity of cocaine.

3. In or about October, 1970, defendant DOMINICK LESSA received approximately \$10,000.00 in cash.

4. In or about November, 1970, defendants LOUIS INGLESE JOSEPH DELVECCHIO and DONATO CHRISTIANO delivered one-quarter kilogram of heroin.

5. In or about November, 1970, defendant ANGELO MAMONE went to the Beach Rose Social Club, Bronx, New York.

6. In or about May, 1971, defendants JOSEPH DELVECCHIO and DONATO CHRISTIANO went to Bloomfield, New Jersey and "cut" and packaged three kilograms of heroin.

7. In or about May or June, 1971, defendants THOMAS LENTINI and JOSEPH CERIALE met in the vicinity of a barber shop on Pleasant Avenue, New York, New York.

8. In or about May, 1971, defendants FRANK PUGLIESE and PAT DILACIO met in the vicinity of Westchester Avenue and Buhre Avenue, Bronx, New York.

9. In or about May, 1971, defendant FRANK RUSSO paid defendant FRANK PUGLIESE the sum of \$3,000.00.

10. In or about May or June, 1971, defendant JOSEPH MARCHESE received one-half kilogram of heroin from defendant LOUIS INGLESE at the Beach Rose Social Club, Bronx, New York.

11. In or about January, 1972, defendant JOHN GAMBA received approximately three kilograms of heroin.

12. In or about March, 1972, defendants AL GREENE, HATTIE WARE and BASIL HANSEN received a quantity of heroin.

13. In or about October, 1972, defendant JOSEPH DELVECCHIO went to Robbie's Mardi Gras, 731 Seventh Avenue, New York, New York.

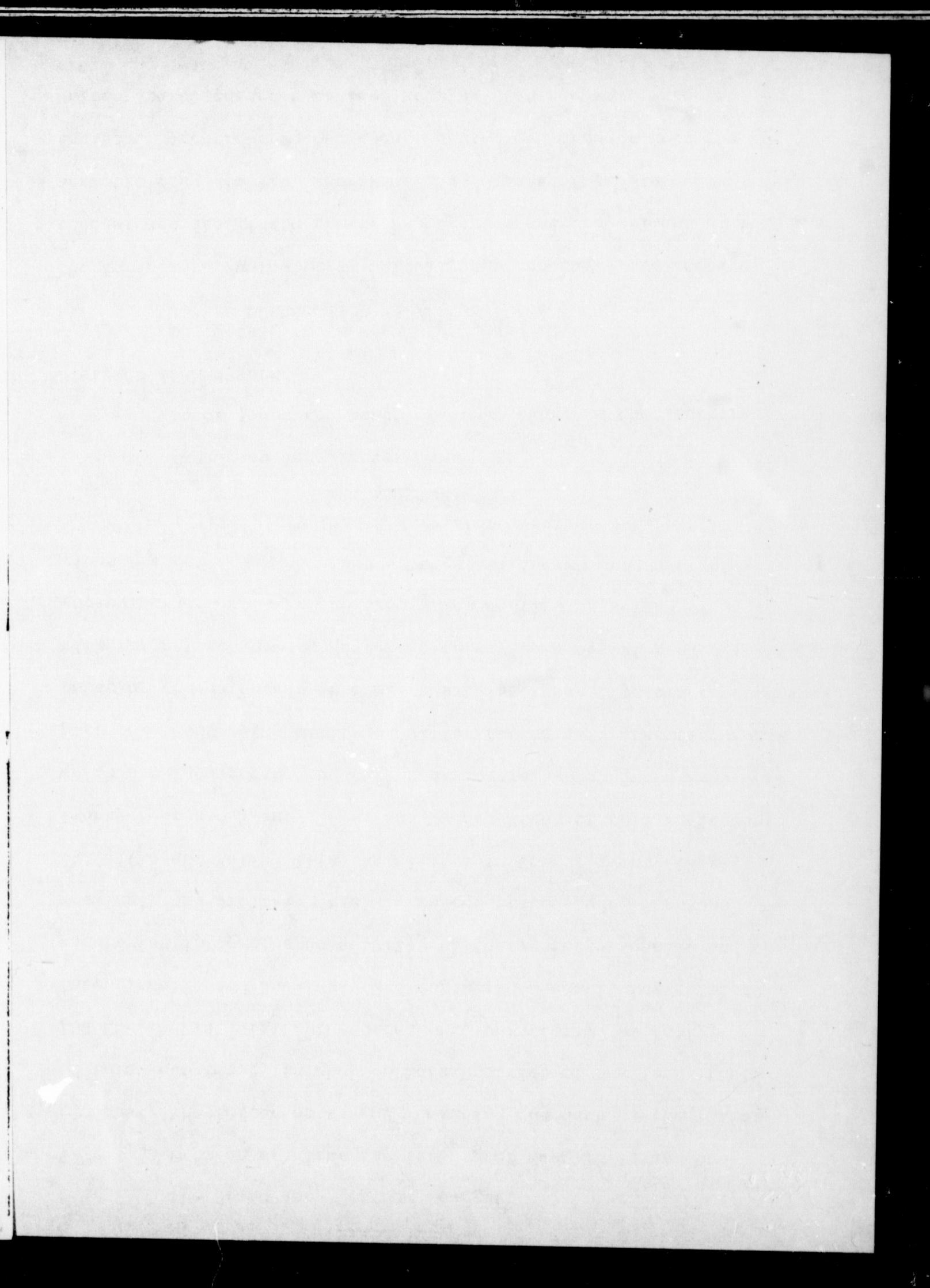
14. In or about October, 1972, defendants WARREN C. ROBINSON and HENRY SALLEY travelled from Washington, D.C. to New Jersey.

15. In or about January, 1973, defendants CARMINE TRAMUNTI and LOUIS INGLESE had a conversation at Lo Piccolo, 3044 Westchester Avenue, Bronx, New York.

16. On or about May 30, 1973, defendant VINCENT D'AMICO went to the Centaur Restaurant, 342 East 46th Street, New York, New York.

17. On or about May 30, 1973, defendant THOMAS LENTINI delivered a quantity of cocaine to defendant DOMINICK LESSA.

(Title 21, United States Code, Sections 173, 174 and 846.)



The Grand Jury further charges:

From on or about the 1st day of May, 1971, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", the defendant, unlawfully, wilfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, wilfully, intentionally and knowingly did violate Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) as alleged in Counts Twenty-three, Twenty-Four and Twenty-Seven and Twenty-Eight of this indictment which are incorporated by reference herein, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in concert with at least five other persons with respect to whom the defendant occupied a position of organizer, supervisor and manager and from which continuing series of violations the defendant obtained substantial income and resources.

(Title 21, United States Code, Section 848.)

COUNT THREE

The Grand Jury further charges:

In or about the month of June, 1969, in the Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi", and JOSEPH DELVECCHIO, a/k/a "Joe Crow",

the defendants, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug, to wit, approximately 30 bags of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic

drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT FOUR

The Grand Jury further charges:

In or about the month of June, 1969, in the Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi", and JOSEPH DELVECCHIO, a/k/a "Joe Crow",

the defendants, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately one-half ounce of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT FIVE

The Grand Jury further charges:

In or about the month of November, 1969, in the
Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi",

the defendant, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately one ounce of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law, in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173
and 174.)

COUNT SIX

The Grand Jury further charges:

In or about the month of November, 1969, in the
Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi",

the defendant, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately one ounce of heroin, after the said narcotic drug had been imported and brought into the

United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT SEVEN

The Grand Jury further charges:

In or about the month of August, 1970, in the Southern District of New York,

BENJAMIN TOLOPKA,

the defendant, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately one-quarter kilogram of cocaine, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT EIGHT

The Grand Jury further charges:

In or about the month of September, 1970, in the
Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi",
the defendant, unlawfully, wilfully and knowingly did receive,
conceal and facilitate the transportation and concealment of a
narcotic drug; to wit, approximately one-quarter kilogram of
heroin, after the said narcotic drug had been imported and
brought into the United States contrary to law, knowing that
the said narcotic drug had theretofore been imported and brought
into the United States contrary to law in that the importation
and bringing of any narcotic drug into the United States, except
such amounts of crude opium and coca leaves as the Director of
the Bureau of Narcotics and Dangerous Drugs may find necessary
to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173
and 174.)

COUNT NINE

The Grand Jury further charges:

In or about the month of October, 1970, in the
Southern District of New York,

DOMINICK LESSA,

the defendant, unlawfully, wilfully and knowingly did receive,
conceal and facilitate the transportation and concealment of a
narcotic drug; to wit, approximately one-half kilogram of heroin,
after the said narcotic drug had been imported and brought into
the United States contrary to law, knowing that the said narcotic
drug had theretofore been imported and brought into the United
States contrary to law in that the importation and bringing of

any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT TEN

The Grand Jury further charges:

In or about the month of October, 1970, in the Southern District of New York,

DOMINICK LESSA,

the defendant, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately five-eighths kilogram of cocaine, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT ELEVEN

The Grand Jury further charges:

In or about the month of November, 1970, in the
Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi",
JOSEPH DELVECCHIO, a/k/a "Joe Crow", and
DONATO CHRISTIANO, a/k/a "Finnegan",

the defendants, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately one-quarter kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173
and 174.)

COUNT TWELVE

The Grand Jury further charges:

In or about the month of November, 1970, in the
Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi",
JOSEPH DELVECCHIO, a/k/a "Joe Crow", and
DONATO CHRISTIANO, a/k/a "Finnegan",

the defendants, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately one-quarter kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that

the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT THIRTEEN

The Grand Jury further charges:

In or about the month of November, 1970, in the Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi",
JOSEPH DELVECCHIO, a/k/a "Joe Crow", and
DONATO CHRISTIANO, a/k/a "Finnegan",

the defendants, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug: to wit, approximately one-quarter kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

The Grand Jury further charges:

In or about the month of February, 1971, in the
Southern District of New York,

LOUIS INGLESE, a/k/a "Gigi",

the defendant, unlawfully, wilfully and knowingly did receive, conceal and facilitate the transportation and concealment of a narcotic drug; to wit, approximately one ounce of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs may find necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174.)

COUNT FIFTEEN

The Grand Jury further charges:

In or about the month of May, 1971, in the Southern District of New York,

PAT DILACIO,

the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-eighth kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT SIXTEEN

The Grand Jury further charges:

In or about the month of May, 1971, in the Southern District of New York,

FRANK PUGLIESE, a/k/a "Butch", and
FRANK RUSSO,

the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-eighth kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT SEVENTEEN

The Grand Jury further charges:

In or about the month of June, 1971, in the Southern District of New York,

JOSEPH MARCHESE, a/k/a "Joe Cab",
the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-half kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT EIGHTEEN

The Grand Jury further charges:

In or about the month of September, 1971, in the
Southern District of New York,

PAT DILACIO and FRANK PUGLIESE, a/k/a "Butch",
the defendants, unlawfully, intentionally and knowingly did
distribute and possess with intent to distribute a Schedule I
narcotic drug controlled substance, to wit, approximately
one-half kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT NINETEEN

The Grand Jury further charges:

In or about the month of November, 1971, in the
Southern District of New York,

JOHN SPRINGER, a/k/a "Hank",
the defendant, unlawfully, intentionally and knowingly did
distribute and possess with intent to distribute a Schedule I
narcotic drug controlled substance, to wit, one-eighth kilogram
of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY

The Grand Jury further charges:

In or about the month of September, 1971, in the
Southern District of New York, FRANK PUGLIESE, a/k/a "Butch"
and PAT DILACIO, the defendants, unlawfully, wilfully and

knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-half kilogram of heroin.

(Title 21, United States Code, Sections 821, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-ONE

The Grand Jury further charges:

In or about the month of December, 1971, in the Southern District of New York, JOSEPH DINAPOLI and PAT DILACIO, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately two kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-TWO

The Grand Jury further charges:

In or about the month of January, 1972, in the Southern District of New York, CARMINE PUGLIESE and PAT DILACIO, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-THREE

The Grand Jury further charges:

In or about the month of July, 1972, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", JOSEPH DELVECCHIO, a/k/a "Joe Crow", THOMAS LENTINI, a/k/a "Moe" and JOSEPH CERIALE, a/k/a "Joe Red", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-FOUR

The Grand Jury further charges:

In or about the month of October, 1972, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", JOSEPH DELVECCHIO, a/k/a "Joe Crow", THOMAS LENTINI, a/k/a "Moe", and JOSEPH CERIALE, a/k/a "Joe Red", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately, three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-FIVE

The Grand Jury further charges:

In or about the month of November, 1972, in the Southern District of New York, GEORGE TOUTOIAN and VINCENT D'AMICO, a/k/a Vincent Rizzo, the defendants, unlawfully,

wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-quarter kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-SIX

The Grand Jury further charges:

On or about the 10th day of January, 1973, in the Southern District of New York, FRANK RUSSO, the defendant, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-quarter kilogram of heroin.

(Title 21, United States Code, Section 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-SEVEN

The Grand Jury further charges:

In or about the month of May, 1973, in the Southern District of New York, CARMINE TRAMUNTI, LOUIS INGLESE, a/k/a "Gigi", JOSEPH DELVECCHIO, a/k/a "Joe Crow", and JOSEPH CERIALE, a/k/a "Joe Red", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-EIGHT

The Grand Jury further charges:

In or about the month of May, 1973, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", and THOMAS LENTINI, a/k/a "Moe", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately one-half kilogram of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT TWENTY-NINE

The Grand Jury further charges:

On or about the 30th day of May, 1973, in the Southern District of New York, THOMAS LENTINI, a/k/a "Moe", and DOMINICK LESSA, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately one-eighth of a kilogram of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT THIRTY

The Grand Jury further charges:

On or about the 4th day of October, 1973, in the Southern District of New York, BASIL HANSEN and ESTELLE HANSEN, the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I

WMP, Jr:rs

narcotic drug controlled substance, to wit, approximately
767 grams of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

Richard E. Bradley
Foreman

Paul J. Curran
PAUL J. CURRAN
United States Attorney

EXTRACT OF DOCKET ENTRIES 73 Cr. 1099
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
U.S.C.A. NO. 74-1550

UNITED STATES OF AMERICA

vs

CASE NO. 73 Cr 1099

CARMINE TRAMUNTI, et al

JUDGE DUFFY

EXTRACT OF DOCKET ENTRIES

<u>DATE</u>	<u>PROCEEDINGS</u>
July 9, 1974	Filed transcript of record of proceedings dated Jan 9-74
July 9, 1974	Filed transcript of record of proceedings dated Jan. 10-74.
July 9, 1974	Filed transcript of record of proceedings dated Jan 11, 1974.
July 9, 1974	Filed transcript of record of proceedings dated Apr 22,26, 1974.
July 9, 1974	Filed transcript of record of proceedings dated May 2, 1974 11:30 am.
July 9, 1974	Filed transcript of record of proceedings dated May 3, 1974 2:15 pm
July 9, 1974	Filed transcript of record of proceedings dated May 7, 1974 10:15 am
July 9, 1974	Filed transcript of record of proceedings dated May 7, 1974 10:30 am

UNITED STATES OF AMERICA

VS

CARMINE TRAMUNTI, et al

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF
NEW YORK

CASE NO. 73 Cr 1099

JUDGE Duffy

1st Supplemental Record.

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FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA : UNITED STATES DISTRICT COURT
: FOR THE SOUTHERN DISTRICT OF
: NEW YORK.
:
vs :
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:
: JUDGE Duffy

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TO USCA AND RETURNED UNDER SEAL TO THE DISTRICT
COURT UPON THE CONCLUSION OF THE CASE IN USCA

Government's exhibit 9 A- An envelope.

" " 3503A- An envelope.

An envelope containing physical examination of Deft. Forbrick.

" " " notes of Richard Miller (6 pages) COURT # 56

Court's exhibit 24 An envelope.

Court's exhibit 59- Reporting officers reports on converstions.

Court's exhibit 61- Transcript dated May 29, 1973

Government's exhibit 3570 A- 3571 A- 3572 A-3573 A- & 3574- an envelope

Court's exhibit 67- (Govt's. 3575(a)- A small envelope.

Government's exhibit 3580,3581, 3582- Various reports in one envelope

Court's exhibit 79- A note from the jury.

Courts exhibits 25 through 47 tape cassettes & reel to reel tapes
ordered sealed 2-1-74

Court exhibits 42 thru 46 received Feb 2 1974

One carton containing court exhibits 25 to 47 incl.

46sa

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18.	PHOTO GIGI SORRESE RALPH BEACH ROSE	2-1-74
19.	PHOTO STASI GIGI BENJAMIN MARIO STORESE	" "
20.	PHOTO JONNY BARNABA BUTCH MAMONE	" "
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20c.	"	" "
20d.	"	" "
20e.	"	" "
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28.	" 5/17 or 19 CHRISTIANO (1) & MAMONE (2)	" "
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30.	" 5/17 and 19 CHRISTIANO (1) & (2)	" "
31.	5/17 or 19 INGLESE & MAMONE & CHRISTIANO	" "
32.	5/17 TATINO (1) INGLESE (9) STASI (4)	" "
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35.	8/20 INGLESE & UNK	" "
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40.	5/17 or 19 INGLESE & UNK	" "
41.	5/17 or 19 INGLESE et al	" "
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45.	5/17 or 19 INGLESE et al	" "
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47.	5/17 or 19 INGLESE (4) CHRISTIANO (2)	" "
	ZANFARDI or GOLIO	" "
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51.	CASTALAZZO (1) STASI (5) (4) STARACE (3) INGLESE	" "
53.	(1) TUTINO (2) MAMONE (3) STARACE (4) CHRISTIANO	" "
52.	STARACE (1) TUTINO (3) INGLESE (3)	" "
54.	(1) FRANK PELLEGRINO (2) STARACE (3) CASTALAZZO 4/28/	" "
55.	4/28 (1) TUTINO (2) STARACE (3) CASTALAZZO	" "
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57.	BOO BOO 4/28	" "
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66.	TRANSCRIPT	2-15-74
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69.	BUTCH BUNNY HATTIE & BASIL	" "
70.	PHOTO OF BUTCH BUNNY & HATTIE	unrecorded
71.	BASIL & BUNNY	2-15-74
72.	" "	2-15-74
73.	BASIL & BUNNY	unrecorded

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Case # 73 Crim 1099

vs

Judge DUFFY

CLERK'S CERTIFICATE

CARMINE TRAMUNTI, et al

I, RAYMOND F. BURGHARDT, Clerk of the District Court of the United States for the Southern District of New York, do hereby certify that the certified copy of the docket entries lettered A thru Q, the original filed papers numbered 1 thru 188, Court exhibits 1 thru 115, Government exhibits as per the attached rider, and sealed documents ordered transmitted consisting of 11 envelopes and one carton of tapes, inclusive constitute the record on appeal in the above entitled proceedings except for the following missing documents:

1-15-74	Government's memorandum of law
1-16-74	Memorandum of Del Vecchio
1-18-74	Government's reply memo
2-13-74	Government's memo of law
3-11-74	LESSA Second offender information
3-20-74	SPRINGER: Memo endorsed on motion of 1-3-74 Motion denied.
5-7-74	TRAMUNTI: Memo endorsed on motion of 4-2-74. Duffy, J.
5-9-74	MAMONE: Memo endorsed of motion of 4-2-74. Motion denied. Duffy, J.
5-9-74	RUSSO: Memo endorsed of motion of 4-2-74. Motion Denied. Duffy, J.
5-9-74	ALOZO: Memo endorsed on letter dated 5-3-74. Motion denied. Duffy, J.

IN TESTIMONY WHEREOF, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, this 28th day of June in the year of Our Lord, One Thousand Nine Hundred and Seventy-Four and of the Independence of the United States the 198th year.

Clerk

REQUEST TO CHARGE 73 Cr. 1099

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

-against- : 73 Cr. 1099 (KJD)

CARMINE TRAMONTI, et al. :

Defendants :

- - - - - X

The defendant Carmine Tramonti, respectfully
requests the Court to charge as follows:

REQUEST NO. 1

Testimony of an Accomplice

"An accomplice's testimony is to be received with caution and care and weighed with caution and care. Experience has shown that accomplices may be motivated to place the responsibilities on others than themselves. Accordingly, an accomplice's testimony should be closely examined, weighed with care, checked with the facts which you find to exist in this case, and against the evidence which may or may not corroborate them, and then you should give the testimony such value or weight as you deem important under the circumstances. You may not convict on unsupported accomplice testimony unless you believe that testimony, like other witnesses, beyond a reasonable doubt.

United States v Projansky, 465 F2d, 123, 136 (2d Cir. 1972);

United States v Phillips, 426 F2d 1069, 1071 (2d Cir. 1970).

REQUEST NO. 2

Proof of Participation in a Conspiracy

In your consideration, then, of the evidence, you should first determine whether or not the conspiracy to distribute narcotics existed as charged in the indictment. If you conclude that such a conspiracy did exist, you should next determine as to each defendant separately whether or not he or she was a party to or member of the conspiracy with knowledge of its illegal purpose and with the intention to assist the conspiracy to achieve its illegal objective.

In considering whether or not a particular defendant was a member of the conspiracy you must do so without regard to and independently of the statements or declarations of others. That is to say, you must determine the issue as to his or her membership in the conspiracy from his or her own statements or declarations or acts or conduct.

United States v Stromberg, 268 F2d 256, 265 (2d Cir. 1959).

REQUEST NO. 3

Membership in a conspiracy.

In considering whether an individual defendant was a member of a conspiracy you must determine whether or not he or she, in some sense, sought to promote the venture to make it their own and had a stake in it's outcome.

The fact that one may have associated with a member of the conspiracy is not sufficient by itself to make that individual a member of the conspiracy.

United States v Falcone, 109 F2d 579 (2d Cir.), affirmed 311 U.S. 205 (1940).

United States v Cimino, 321 F2d 509, 510 (2d Cir. 1963).

REQUEST NO. 4

Knowing Spectator

In considering whether an individual defendant was a member of the conspiracy charged in the indictment you are instructed that the mere presence of an individual defendant at a time and place when the conspiracy is being carried on, even with knowledge of the existence and aims of the conspiracy is not sufficient evidence to make an individual defendant a member of the conspiracy.

United States v Garguilo, 310 F2d 249, 254 (2d Cir. 1962)

United States v Cimino, 321 F2d 589, 510 (2d Cir. 1963)

United States v Stromberg, 268 F2d 256, 267 (2d Cir. 1959).

REQUEST NO. 5

One who provides goods is not a
member of a conspiracy

In considering whether an individual defendant was a member of the conspiracy you must remember that even if all you find, based on proof beyond a reasonable doubt, is that the defendant Tramunti provided or agreed to provide money for the defendant Inglesi to purchase narcotics you must acquit the defendant Tramunti on the charge of conspiracy.

One cannot be convicted of conspiracy unless the Government can prove beyond a reasonable doubt that the defendant Tramunti, knew that the defendant Inglesi was a member of the conspiracy charged in count one and that it was his intention to assist that conspiracy to achieve it's objectives.

United States v Falcone, 311 U.S. 205, 207, 210 (1940)

United States v Crimmins, 123 F2d 271, 273 (2d Cir. 1941)

United States v Borelli, 336 F2d 376 (2d Cir. 1964).

REQUEST NO. 6

Single Transaction

In considering whether an individual defendant was a member of the conspiracy charged I instruct you that if you find, beyond a reasonable doubt, that an individual made a single purchase or a single sale of narcotics to a member of the conspiracy, or aided and abetted in a single purchase or a single sale of contraband with a member of a conspiracy that, without more, is insufficient to make that individual a member of the conspiracy.

If you find that an individual defendant engaged in either a single purchase or sale of narcotics with a member of the conspiracy without more than you must acquit that individual defendant of the charge of conspiracy.

United States v Reina, 242 F2d 302, 306 (2d Cir. 1957)

United States v Ah Kee Eng, 241 F2d 157, 159 (2d Cir. 1957).

REQUEST NO. 7

State of Mind of the witness
Frank Stasi

The testimony of the government witness Frank Stasi as to his reason for not telling the police all that he knew about this case when they interviewed him after he had agreed to cooperate with them is not received for the truth of what was said by the witness, but solely on the issue of his credibility. The witness on cross-examination was asked certain questions as to statements which he had earlier made to the police.

I permitted the government on re-direct to explore that issue solely on the question of the witness' credibility.

What the witness said is not evidence as to the truth of what was said, but it is evidence pertaining solely to the witness' state of mind and it will be up to you and you alone to determine the credibility of the witness and the weight that you will give to his testimony.

United States v Berger, 433 F2d 680, 683-4 (2d Cir. 1970)

United States v Cirillo, 468 F2d 1233 (2d Cir. 1972).

Respectfully submitted,

HERBERT S. SIEGAL
17 John Street
New York, N.Y.
(212) Re-2-5330

REQUESTED MODIFICATION TO COURT'S PROPOSED CHARGE
UNITED STATES DISTRICT COURT • 73 Cr. 1099
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA :
-against- : 73 Cr. 1099
CARMINE TRAMUNTI, et al. :
Defendants :
-----X

REQUESTED MODIFICATIONS TO
COURT'S PROPOSED CHARGE

The defendant Carmine Tramunti respectfully requests
the following modifications to the Courts proposed charge.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : :

-against- : :

CARMINE TRAMUNIT, et al. : :

Defendants : :

73 Cr. 1099

- - - - - X

REQUESTED MODIFICATION TO
COURT'S PROPOSED CHARGE

I

All stipulations were entered into for the purpose of stipulating what the witness' testimony would be. No stipulations were entered into concerning the truth of what the witness testified to.

It is a question for the jury to determine whether or not the stipulated testimony was truthful, using the same tests and standards that it applies to all other testimony, and giving the stipulated testimony the weight it desires.

II

On the testimony of alleged accomplices the defendant Tramunti would request that the Court give the charge set forth in the first requested charge of the defendant Tramunti:

"An accomplice's testimony is to be received with caution and care and weighed with caution and care. Experience has shown that accomplices may be motivated to place the responsibility on others than themselves. Accordingly, an accomplice's testimony should be closely examined, weighed with care, checked,

with the facts which you find to exist in this case, and against the evidence which may or may not corroborate them, and then you should give the testimony such value or weight as you deem important under the circumstances. [You may not convict on unsupported accomplice testimony unless you believe that testimony, like other witnesses, beyond a reasonable doubt.]

United States v. Projansky, 465 F2d 123, 136 (2d Cir. 1972)

United States v Phillips, 426 F2d 1069, 1071 (2d Cir. 1970).

III

The Court's charge as presently proposed fails to distinguish between mere concerted action toward a single goal by several individuals which is not a conspiracy, and an agreement between several individuals to work toward an illegal goal which is conspiracy. It should be made clear that to find that a conspiracy existed the Jury must find that an agreement existed between the co-conspirators, rather than merely look to the acts of several men to see if they were concerted (p. 2680. 2683-4).

United States v. Borelli, 336 F2d 376, 384 (2d Cir. 1964).

IV

The defendant Tramunti objects to the Court making any reference in it's charge as to the reason for the enactment of our present drug laws by Congress. The statement as to the purpose of this legislation is not relevant to the issues before the jury and is prejudicial to the defendants. (p. 2681).

V

The court has in its proposed charge stated that an individual may become a member of a conspiracy without knowing of the participation of others, this is erroneous.

In order to prove that an individual is a member of a conspiracy, there must be evidence establishing that he knew of the existence of others who belonged to the conspiracy and the general role that they played in the conspiracy. (p 2685).

United States v Andolschek, 142 F2d 503, 507
(2d Cir. 1944)

VI

The presumption concerning the continuity of membership in a conspiracy by any individual who has once joined the conspiracy is diminished as to the outer links of a conspiracy.

The jury should be instructed to examine the evidence against each individual and determine if he or she has been shown to be a member of a conspiracy by determining what agreement, if any, the individual made with his co-conspirators. The jury may find that an individual was a buyer of contraband indifferent to his source of supply, turning from one source to another, or a supplier indifferent to the identity of their customers and should be instructed to acquit that individual on the charge of conspiracy. (p 2685-6).

United States v. Borelli, 336 F2d 376, 384, 385 (2d Cir. 1964)

VII

In determining whether an individual is a member of a conspiracy the defendant Tramunti takes exception to the Court's

proposed charge and requests that the court charge as requested in the second proposed charge submitted by the defendant Tramunti.

In your consideration, then of the evidence, you should first determine whether or not the conspiracy to distribute narcotics existed as charged in the indictment. If you conclude that such a conspiracy did exist, you should next determine as to each defendant separately whether or not he or she was a party to or member of the conspiracy with knowledge of it's illegal purpose and with the intention to assist the conspiracy to achieve it's illegal objective.

In considering whether or not a particular defendant was a member of the conspiracy you must do so without regard to and independently of the statements or declarations of others. That is to say, you must determine the issue as to his or her membership in the conspiracy from his or her own statements or declarations or acts or conduct. (p 2687)

United States v. Stromberg, 268 F2d 256, 265 (2d Cir. 1959).

It should be noted that at the time of the preparation of these requested modifications counsel was not provided with a copy of Page 2690 of the transcript which dealt, presumably, with the court's charge on conspiracy.

WHEREFORE, it is respectfully requested that these modifications set forth herein be incorporated in the Court's charge.

Respectfully submitted

HERBERT S. SIEGAL
Attorney for Defendant
Carmine Tramunti
17 John Street
New York, N.Y.



SUPPLEMENTAL REQUESTS TO CHARGE 73 Cr. 1099

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA :

-v-

73 Cr. 1099 KTD

CARMINE TRAMUNTI :

Defendant :

X

SUPPLEMENTAL REQUESTS

HERBERT S. SIEGAL
17 John Street
New York, New York
(212) Re 2-5330

6338

REQUEST NO. 1

Object of Conspiracy

In considering whether an individual defendant was a member of the conspiracy charged in Count One you must first determine if an individual was aware of the purposes of the conspiracy, and if he joined the conspiracy knowing of its purposes and with the intent to advance its interests.

In considering the evidence insofar as it concerns the defendant Tramunti, you must consider whether the word "goods" was used in a conversation to which he was a party and, if you find the word "goods" was used, you must then consider if there is evidence to prove that the defendant Tramunti knew that the word "goods" referred to narcotics.

If you have a reasonable doubt either that the word "goods" was used or if you have a reasonable doubt that the evidence proves that the defendant Tramunti understood the word "goods" to refer to narcotics you must acquit him on the charge of conspiracy.

United States v Gallishaw, 428 F2d 760, 763 (2d Cir. 1970)

REQUEST NO. 2

Multiple Conspiracies

If in considering the evidence in this case you find there is more than the one conspiracy charged in the indictment you must first determine how many conspiracies, if any, did in fact exist. You must next determine which individual defendant(s), if any, belonged to which particular conspiracy. In determining which defendant(s) belonged to which, if any, conspiracy, you are only to consider the acts, statements and declarations of that particular defendant whose case you are considering in seeking to determine if he or she was a member of any conspiracy.

After you have determined the existence of several conspiracies and you have determined the membership of each particular conspiracy, you must then determine if an overt act was committed by any member of that particular conspiracy with the object of furthering the goals of that conspiracy. If you find that no overt act was committed by any member of a particular conspiracy then you must vote to acquit all the members of that conspiracy of the charge of conspiracy contained in the first count of this indictment.

Yates v United States, 354 U.S. 298, 334 (1957)

REQUEST NO. 3

Spoke Conspiracies

If you find that there was one individual who supplied contraband to several differenct individuals then you must seek to determine if there was any link between the various individuals. If you find that the only link between the various individuals is that they dealt with a common individual then you must vote to acquit all the individuals charged with conspiracy in the first count of the indictment.

United States v Manarite, 448 F2d 583 589 (2d Cir. 1971)

Kotteakos v United States, 328 U.S. 750 (1946).

Respectfully submitted,

HERBERT S. SIEGAL
17 John Street
New York, New York
(212) Re 2-5330

JUDGE, DUFFY 73 CRIM. 931

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	Walter M. Phillips, AUSA
(See over for defendants)	
	For Defendant:

ABSTRACT OF COSTS	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
Fine,		1/24/73	14730.00		
Clerk,		1/24/73	100.00		
Marshal,					
Attorney,					
X COMM. HOME BANK T. 21, 26					
X Whitebox 7237(b), 846,812					
841(a)(1), (b)(1)(A) Distr.					
& possess. w/intent to distr.					
(Heroin & Cocaine)(2-17)					
Consp. so to do(Ct. 1)			(Seventeen Counts)		

DATE	PROCEEDINGS
10-3-73	Filed indictment and ordered sealed. Bench Warrant ordered.
10-3-73	J.DINAPOLI - Filed affdyt. of W.M.Phillips for a writ. Griesa, J.
10-4-73	Indictment ordered unsealed. Griesa, J. (Related to 73Cr.)
10-10-73	C. TRAMUNTI - Filed notice of appearance by Herbert S. Siegal 17 John St. NYC RE2-5330
10-10-73	V. D'ANICO - Filed notice of appearance by George D. Rosenbaum 51 Chambers St. NYC
10-10-73	J.DINAPOLI - Filed notice of appearance by Frank A. Lopez 31 Smith St. Bklyn, N.Y.
10-10-73	E. WARE - Filed notice of appearance by Edward S. Panzer 299 B'Way NYC
10-9-73	L. RAVONE - Filed P.R.B. unsecured in amount of \$10,000.

73 CR. 931

DEFENDANTS:

JUDGE DUFFY

DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
1.	CARMINE, TRAMUNTI-1&15		
2.	LOUIS, INGLESE, a/k/a "Gigi", A/k/a "The Whale" 1-6, 11, 12, 15 & 16		
3.	JOSEPH DELVECCHIO, a/k/a "Joe Crow" -1, 3, 4, 11, 12, 15		
4.	DONATO CHRISTIANO, a/k/a "Finnegan" -1		
5.	THOMAS LENTINI, a/k/a "Moe" -11, 12, 16, 17		
6.	ANGELO MAMONE, a/k/a "Butch" - 1		
7.	JOSEPH DINAPOLI -1, 9		
8.	CARMINE PUGLIESE-1, 10		
9.	FRANK PUGLIESE, a/k/a "Butch" -1, 8		
10.	PAT DILACIO, -1, 8-10		
11.	ANTHONY LORIA-1, 7		
12.	JACK SPADA-1, 16		
13.	VINCENT RIZZO-1, 13		
14.	JOHN BARNABA-1, 7, 8		
15.	DOMINICK LESSA-1, 17		
16.	GEORGE TOUTOIAN-1, 13		
17.	FRANK PELLEGRINO-a/k/a "Swifty" -1		
18.	JOSEPH MARCHESE-, a/k/a "Joe Cab" -1		
19.	RICHARD FOBRICK-1, 7		
20.	FRANCIS RUSSO-1, 14		
21.	WARREN C. ROBINSON, a/k/a Alan-1		
22.	THOMAS DOWSON, a/k/a "Tennessee" -1		
23.	AL GREEN-1		
24.	BUTCH WARE-1 True Name WILLIAM ALONZO		
25.	HATTIE WARE-1		
26.	JOHN SPRINGER, a/k/a "Hank" -1		
27.	MARY JANE SALVIANI, a/k/a "Liz" -1		
28.	HENRY SALLEY-a/k/a "Sally" -1		
29.	JOHN DOE, a/k/a "Folk" -1		
30.	JOHN DOE, a/k/a "Basil" -1		
31.	JOHN DOE, a/k/a "Joe Red" -1, 11, 12, 15 T/N Z JOSEPH CERTALE		
32.	JOHN DOE, a/k/a "Jimmy Wyatt Earp" -1		
33.	JOHN DOE, a/k/a "Sinatra" -1		

DUFFY

DATE	PROCEEDINGS
10-10-73	F. Pugliese - Filed affdvt. of W.M. Phillips, Jr. AUSA for a writ.
10-11-73	A. LORIA - Filed affdvt. of W.M. Phillips, Jr. AUSA for a writ.
10-12-73	C. TRAMUNTI - Bail status fixed by Magistrate \$250,000 cash or surety bond L. INGLESE - \$200,00 cash or surety bond. D. CHRISTIANO - \$75,000 cash or surety bond. T. LENTINI - Remanded w/o bail w/o prejudice to apply in future. V. RIZZO - \$20,000 cash or surety bond. B. LEBSA - \$25,000 cash or surety bond. J. MARCHESI \$20,000 " " " " A. GREEN - 12,500 " " " " F. PELLGRINO - R.O.R. Hattie Ware - \$5,000. P.R.B. Co-signed, secured by \$500 cash R.O.R. to make bail. JOHN SPRINGER - R.O.R. JOHN DOE, A/K/A JOE RED True name JOSEPH CERIALE - \$50,000 P.R.B. Secured by \$10,000 cash or surety bond. FRANCIS RUSSO - \$50,000 cash or surety bond. GEORGE TOUTOIAN - \$10,000 P.R.B. Co-signed - R.R. until 10-9-73 to make bail. JOHN DOE a/k/a SINATRA - R.O.R. until 10-5-73 to make bail \$50,000 cash or surety bond. JOSEPH DiMAPOLI - \$75,000 cash or surety bond without prejudice to make further application.
	COURT DIRECTS ENTRY OF NOT GUILTY be entered on behalf of ZZ Defts. Duffy, J. ^{7 ALL}
10-13-73	MARY JANE SALVIANI - R.O.R.
10-14-73	Defts. Tramunti, Christiano and Inglesi, application for reduction of bail. Reduction as to Christiano and Inglesi DENIED. Decision reserved as to Tramunti. Duffy, J.
10-15-73	J. MARCHESI - Application for reduction of bail GRANTED. Bail reduced to \$20,000 P.R.B. secured by 10% \$2,000 cash bond to be co-signed by wife and brother. Duffy, J.
10-15-73	A. LORIA - Filed notice of appearance by Gilbert Epstein 253 B'way N.Y.C. 349-3977
10-16-73	A. MATION - \$10,000 P.R.B.
10-16-73	F. PUGLIESE (Atty. present) Produced in Court on Writ. Bail determination adjd to 10-17-73.
10-17-73	C. TRAMUNTI - As to bail application made on 10-10-73 Defts. bail reduced to \$250,000. Duffy, J.
10-17-73	J. MARCHESI - Filed appearance bond in amt. of \$20,000 secured by \$2,00 cash. Duffy, J.
10-18-73	THEODORE ROSENBERG - 31 Smith St. - Error
10-18-73	FRANK PUGLIESE - Filed notice of appearance by Theodore Rosenberg 31 Smith St. Bklyn, N.Y. 858-0589
10-18-73	FRANK RUSSO - Filed notice of appearance by Manton, Giaimo Penwisi, Deffawa & Dowd 120-10-Queens Blvd. Kew Gardens, N.Y. 11415
10-17-73	F. PUGLIESE - (Atty. present) Produced in Court on writ. Bail set at \$25,000 P.R.B. Co-signed by his wife and uncle. Deft. Remanded. Duffy, J.
10-19-73	A. LORIA - Filed notice of appearance by Siegal & Randolph 17 John St. N.Y.C.
10-19-73	Filed affdvt. of W.M. Phillips, Jr. in support of Writ for deft. J. Del Vecchio.
10-19-73	F. PUGLIESE - Filed P.R.B. in amt. of \$25,000

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DATE	PROCEEDINGS
10-26-73	T.DAWSON - Filed warrant of arrest with marshal's return. Deft arrested on 10-3-73 by S/A Robert McCracken, Drug Enforcement.
10-26-73	H.SALLEY - Filed warrant of arrest with marshal's return deft arrested on 10-3-73 by S/A Robert McCracken, Drug Enforcement.
10-29-73	A.MARONE - Filed affdvt. & notice of motion to dismiss the 1st. count, for a bill of particulars, discovery & inspection and for a severance. Ret. 11-13-73.
10-29-73	A.MARONE - Filed memorandum in support of above motions...
11-1-73	GEORGE TOUTOIAN - Filed affdvt. & notice of motion for a bill of particulars, to inspect & copy, for all statements within meaning of the Jencks Act. Ret. Nov. 12-73
11-2-73	J.DINAPOLI - Filed application to vacate state writ of habeas corpus etc. Ret. 10-24-73 with memo endorsed....Motion denied. So ordered....Duffy, J.
11-2-73	Filed affdvt. of Joel Cohen Spec. Asst. A.G. state of N.Y. in opposition to application to vacate Writ.
11-11-73	***** BUTCH WARE - T/N Brought before Magistrate (Rm. 115) Bail fixed at \$15,000 Cash or or surety..Gary Sunden, Esq. 401 B'Way NYC assigned as counsel.
11-12-73	C. TRAMUNTI - Filed affdvt. & notice of motion for discovery & inspection, for all evidence favorable to deft and for a bill of particulars
11-12-73	C. TRAMUNTI - Filed affdvt. & notice of motion requiring the Govt. to elect the count or counts it will proceed to trial
11-12-73	C. TRAMUNTI - Filed memorandum of law.
11-14-73	A.LORIA - Filed affdvt. & notice of motion requiring the Govt. to elect the Count or Counts it will proceed to trial.
11-14-73	A.LORIA - Filed memorandum of law in support of above motion
11-16-73	H.SALLEY) Pre-trial conference held & concluded.. Both defts appear in Court T.DAWSON) without counsel. Counsel to be assigned....Duffy, J.
11-20-73	LOUIS INGLESE - Filed notice of appearance by NANCY ROSNER 401 B'Way NYC 10013
11-20-73	FRANK PUGLIESE - Filed notice of appearance by Theodore Rosenberg 31 Smith St, BKLN, N.Y.
11-20-73	JOSEPH DELVECCIO -
11-20-73	G.GALLINA JOSEPH DELVECCIO - Filed notice of appearance by G.Gallina 30 Broad NY
11-20-73	FRANCIS RUSSO - Filed notice of appearance by Mantow, Giaimo Dennisi Dowd 120-10 Queens Blvd. New Gardens, N.Y.
11-20-73	D.LESSA - Filed notice of appearance by Matthew Salko 401 B'Way NYC.
11-20-73	A.MARONE - Filed notice of appearance by JOSEPH P. HOEY, WALLACE MUSCF 17 East 63rd St. N.Y.C. 10021 APPEARANCE
11-20-73	BUTCH WARE - Filed notice of appearance by Gary R. Sunden 401 B'Way NYC
11-20-73	JOSEPH CERIALE - Filed notice of appearance by Dennis H. Lewitas 875 Ave. of Americas New York, N.Y.
11-20-73	RICHARD FORRICK - Filed notice of appearance by Patrick F. Broderick 150 Old Country Rd. Mineola, N.Y. 11501
11-20-73	G.TOUTOIAN - Filed notice of appearance by Paul Goldberger 401 B'Way NYC

DATE	PROCEEDINGS
Nov.21-73	AL GREEN - Deft appears in Court without an atty. The deft is directed to make application thru C.J.A. form 23 for possible assigned counsel. Deft. to return to court on 11-26-73 at 10 a.m....Duffy, J.
Nov.26-73	LOUIS INGLESE - Filed affdvt. & notice of motion to dismiss Count 2
Nov.26-73	LOUIS INGLESE -- Filed affdvt. & notice of motion for discovery and inspection and bill of particulars
11-27-73	LOUIS INGLESE - Filed memorandum of law in support of motion to dismiss.
11-27-73	ANTHONY LORIA - Filed affdvt. & notice of motion for discovery & inspection, for all evidence favorable to deft, for a bill of particulars etc.
11-26-73	AL GREEN - Deft. appears in Court with application form for assignment of counsel. Deft directed to report to U.S. Magistrate for assigned counsel. JOHN SPRINGER - Bench warrant ordered at 10 a.m. ----Deft appears in Court without an atty at 10:40 a.m. Bench warrant vacated.
11-27-73	V.RIZZO - Filed memorandum & order on undated letter---construed as application for reduction of bail.****application for a reduction is therefore denied...Duffy, J. mailed notice TO F.D.T. N.Y.
11-29-73	F.PUGLIESE - Filed notice of motion(Omnibus) for relief under rules 6(e) 7f 11, 16,41(...With memo endorsed...Motion disposed of in accordance with the decision rendered at a pre-trial conference....So ordered..Duffy, J.
11-29-73	J.DINAPOLI - Filed notice of omnibus motion for dismissing the indictment, to inspect grand jury minutes, for discovery & inspection & bill of particulars...Memo endorsed..Motion disposed of in accordance with the decision rendered at a pre-trial conference. So ordered....Duffy, J.
11-29-73	A.LORIA - Filed memo endorsed on motion filed 11-27-73..Motion disposed of in accordance with the decision rendered at a pretrial conference held. See transcript... Duffy, J.
11-29-73	A.MAMONE - Filed memo endorsed on motion filed 10-29-73 "Motion disposed of in accordance with the decision rendered at a pre-trial conference"***Duffy, J.
11-29-73	G.TOUTOJAN - Filed memo endorsed on motion filed 11-1-73..Motion disposed of in accordance with the decision rendered at a pre-trial conference***Duffy, J.
11-29-73	L.INGLESE - Filed memo endorsed on motions filed 11-26-73**disposed of in accordance with decision rendered at a pretrial conference..Duffy, J.
11-29-73	C.TRAMENTI - Filed memo endorsed on motion filed 11-12-73**disposed of in accordance with the decision rendered at pretrial conference...Duffy, J.
11-29-73	A.LORIA - Filed memo endorsed on motion filed 11-14-73..disposed of in accordance with pretrial conference...Duffy, J.
12-3-73	JOHN SPRINGER - Bench warrant ordered....Duffy, J.

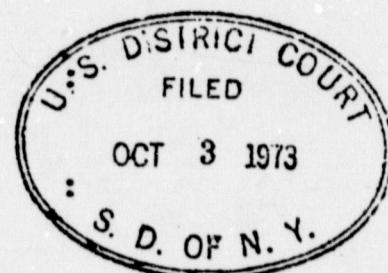
DATE	PROCEEDINGS
12-4-73	JOSEPH DEL VECCHIO- Filed affdvt. & notice of motion for discovery & inspection, for a bill of particulars..
12-6-73	J. Springer - Filed affdvt. of T.M.Fortuin, AUSA for a writ.
12-6-73	T. LENTINI - Filed affdvt. of T.M.Fortuin, AUSA for a writ.
11-21-73	JOSEPH MARCHESE - Filed demand dated OCT. 12, 1973
12-12-73	BUTCH WARE - Filed affdvt. & notice of motion for a bill of particulars, to inspect and copy, to sever etc. for additional peremptory challenges. Memorandum of law attached.
12-18-73	WARREN C. ROBINSON - Filed following papers received from Magistrate. Record of proceedings, warrant of arrest, bail agency report, appearance bond and copy of indictment.
12-20-73	JOHN SPRINGER - Filed notice of appearance by Martin J. Siegel 250 W. 57th St. NYC
12-4-73	JOHN SPRINGER - Filed CJA appointment of Martin J. Siegel 250 W. 57th St. NYC
12-2-73	J. DINAPOLI - Filed Memo endorsed on motion for production of witness. The within motion was disposed of at the pre-trial conference***So ordered. Duffy, J.
12-9-73	B. WARE - Filed memo endorsed on motion filed 12-12-73 ... Requests 1 & 2 granted 3 & 4 & 6 denied 5 disposed of at pre-trial conference***Duffy, J. m/n
12-25-73	C. TRAMUNTI - Filed following papers received from Magistrate, docket sheet, disposition sheet, notice of appearance.....
12-25-73	L. INGLESE - Filed following papers received from Magistrate, docket sheet, warrant, disposition sheet, final commitment.
12-25-73	J. DEL VECCHIO - Filed following papers received from Magistrate, docket sheet, disposition sheet, notice of appearance.
12-25-73	D. CHRISTIANO - Filed following papers received from Magistrate, docket sheet, notice of appearance bond.
12-25-73	T. LENTINI - Filed following papers received from Magistrate, docket sheet and disposition sheet.
12-25-73	A. MARONE - Filed following papers received from Magistrate, docket sheet, warrant, disposition sheet & notice of appearance.
12-25-73	J. DINAPOLI - Filed following papers received from Magistrate, docket sheet, disposition sheet, notice of appearance.
12-25-73	V. RIZZO - Filed following papers received from Magistrate, docket sheet, warrant, appearance bond, order of Oct. 16-73 - resetting bail...
12-25-73	J. BARNABA - Filed following papers received from Magistrate, docket sheet and disposition sheet.
12-25-73	D. LEGSA - Filed following papers received from Magistrate, docket sheet, warrant, and appearance bond.

DATE	PROCEEDINGS
1-25-74	D.LESSA - Filed following papers received from Magistrate, docket sheet, warrant, disposition sheet & appearance bond.
1-25-74	G. TOUTOIAN - Filed following papers received from Magistrate, docket sheet, warrant, appearance bond.
1-25-74	F.PELLEGRINO -Filed following papers received from Magistrate, docket sheet & warrant.
1-25-74	J. MARCHESE - Filed following papers received from Magistrate, docket sheet, warrant, appointment of counsel & final commitment.
1-25-74	R. FORRICK - Filed following papers received from Magistrate, docket sheet, warrant, disposition sheet & appointment of counsel..
1-25-74	F. RUSSO - Filed following papers received from Magistrate, docket sheet, warrant, disposition sheet, notices of apppearance & appearance bond..
1-25-74	BUTCH WARE - t/n William Allanzo - Filed following papers received from Magistrate, docket sheet, disposition sheet & appointment of counsel.
1-25-74	H.WARE - Filed following papers received from Magistrate, docket sheet, disposition sheet, appointment of counsel and appearance bond...
1-25-74	J. SPRINGER - Filed following papers received from Magistrate, docket sheet, warrant, and disposition sheet..
1-25-74	M.J.SALVANI - Filed following papers received from Magistrate, docket sheet, warrant, disposition sheet and appointment of counsel.
1-25-74	H.Salley - Filed following papers received from Magistrate, docket sheet, disposition sheet and appointment of counsel.
1-25-74	T. DAWSON - Filed following papers received from Magistrate, docket sheet, disposition and removal papers from Dist.of Colombia.
1-25-74	J.CERIALE - Filed following papers received from Magistrate, docket sheet, warrant, notice of appearance bond.
1-25-74	JOHN GAMBA-Filed following papers received from Magistrate, docket sheet, warrant, appointment of counsel, notice of appearance, and final commitment.
1-25-74	AL GREEN - Filed following papers received from Magistrate, docket sheet, warrant, disposition sheet, appearance bond and final commitment.
2-1-74	J.SPRINGER - Filed following paners received from Magistrate, docket shee, warrant, disposition sheet,notice of appearance, bond, and final commitment....
2-6-74	F.FUGLIESE - Filed writ with marshal's return. Deft bailed from Greenhaven on Oct.19-73
2-20-74	J.Inglese - Filed factual contentions
5-1-74	T.LENTINI - Filed writ with marshal's return..writ satisfied..

DATE	PROCEEDINGS
May 24-74	LOUIS INGLESE) Filed affdvt. of Nancy Rosner in support of motion for a hearing D. CHRISTIANO) on lawfulness of any electronic surveillance...
June 3-74	FRANK RUSSO - Defense counsel moves orally for motion to exonerate bail. NOTION GRANTED....So Ordered - Duffy, J.
June 25-74	DONATO CHRISTIANO - Filed order that bail posted under this indictment be exonerated. Duffy, J.....
July 14-74	T. LENTINI - Court remanded dated 07-14-74
	ONLY COPY AVAILABLE

UNITED STATES OF AMERICA,-----
-v-

CARMINE TRAMUNTI,	INDICTMENT
LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale",	
JOSEPH DELVECCHIO, a/k/a "Joe Crow",	
DONATO CHRISTIANO, a/k/a "Finnegan",	
THOMAS LENTINI, a/k/a "Moe",	
ANGELO MAMONE, a/k/a "Butch",	
JOSEPH DINAPOLI,	
CARMINE PUGLIESE,	
FRANK PUGLIESE, a/k/a "Butch",	
PAT DILACIO,	
ANTHONY LORIA,	
JACK SPADA,	
VINCENT RIZZO,	
JOHN BARNABA,	
DOMINICK LESSA,	
GEORGE TOUTOIAN	
FRANK PELLEGRINO, a/k/a "Swifty",	
JOSEPH MARCHESE, a/k/a "Joe Cab",	
RICHARD FOBRICK,	
FRANCIS RUSSO,	
WARREN C. ROBINSON, a/k/a "Alan",	
THOMAS DAWSON, a/k/a "Tennessee",	
AL GREEN,	
BUTCH WARE,	
HATTIE WARE,	
JOHN SPRINGER, a/k/a "Hank",	
MARY JANE SALVIANI, a/k/a "Liz",	
HENRY SALLEY, a/k/a "Sally",	
JOHN DOE, a/k/a "Folk",	
JOHN DOE, a/k/a "Basil",	
JOHN DOE, a/k/a "Joe Red",	
JOHN DOE, a/k/a "Jimmy Wyatt Earp", and	
JOHN DOE, a/k/a "Sinatra",	
Defendants.	

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The Grand Jury charges:

1. From on or about the 1st day of January, 1969, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York,

CARMINE TRAMUNTI,
LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale",
JOSEPH DELVECCHIO, a/k/a "Joe Crow",
DONATO CHRISTIANO, a/k/a "Finnegan",
THOMAS LENTINI, a/k/a "Moe",
ANGELO MAMONE, a/k/a "Butch",
JOSEPH DINAPOLI,
CARMINE PUGLIESE,
FRANK PUGLIESE, a/k/a "Butch",
PAT DILACIO,
ANTHONY LORIA,
JACK SPADA,
VINCENT RIZZO,
JOHN BARNABA,
DOMINICK LESSA,
GEORGE TOUTOIAN,
FRANK PELLEGRINO, a/k/a "Swifty",
JOSEPH MARCHESE, a/k/a "Joe Cab",
RICHARD FOBRIK,
FRANCIS RUSSO,
WARREN C. ROBINSON, a/k/a "Alan",
THOMAS DAWSON, a/k/a "Tennessee",
AL GREEN,
BUTCH WARE,
HATTIE WARE,
JOHN SPRINGER, a/k/a "Hank",
MARY JANE SALVIANI, a/k/a "Liz",
HENRY SALLEY, a/k/a "Sally",
JOHN DOE, a/k/a "Folk",
JOHN DOE, a/k/a "Basil",
JOHN DOE, a/k/a "Joe Red",
JOHN DOE, a/k/a "Jimmy Wyatt Earp", and
JOHN DOE, a/k/a "Sinatra",

the defendants, and Louis Oliveras and Primrose Cadman, named
herein as co-conspirators and not as defendants, and others to the
Grand Jury known and unknown, unlawfully, wilfully, intentionally
and knowingly combined, conspired, confederated and agreed
together and with each other to violate Sections 4705(a) and
7237(b) of Title 26, United States Code, and Sections 812,
841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

2. It was part of said conspiracy that the said
defendants and co-conspirators unlawfully, wilfully, inten-
tionally and knowingly would sell, barter, exchange and give
away narcotic drugs, the exact amount thereof being to the
Grand Jury unknown, not in pursuance of a written order of
the person or persons to whom such narcotic drugs were sold,
bartered, exchanged and given away on a form issued in blank
for that purpose by the Secretary of the Treasury or his
delegate, contrary to law, in violation of Sections 4705(a)

and 7237(b) of Title 26, United States Code.

3. It was further part of said conspiracy that the said defendants and co-conspirators unlawfully, wilfully, intentionally and knowingly would distribute and possess with intent to distribute Schedule I and II narcotic drug controlled substances the exact amount thereof being to the Grand Jury unknown in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. In or about June, 1969, defendants LOUIS INGLESE and JOSEPH DELVECCHIO went to Diane's Bar, 2032 Second Avenue, New York, New York.
2. In or about June, 1969, defendant JOSEPH DELVECCHIO handed co-conspirator Primrose Cadman an aluminum foil packet containing heroin in Diane's Bar, 2032 Second Avenue, New York, New York.
3. In or about November, 1969, defendant LOUIS INGLESE transported a clear plastic bag containing heroin to Diane's Bar, 2032 Second Avenue, New York, New York.
4. In or about June, 1970, defendant ANTHONY LORIA delivered one-half kilogram of heroin.
5. In or about September, 1970, defendant RICHARD FOBRICK received one-quarter kilogram of heroin.
6. In or about May, 1971, defendants JOSEPH DELVECCHIO and DONATO CHRISTIANO went to Bloomfield, New Jersey and "cut" and packaged three kilograms of heroin.
7. In or about May or June, 1971, defendants THOMAS LENTINI and JOHN DOE, a/k/a "Joe Red", met in the vicinity of a barber shop on Pleasant Avenue, New York, New York.

8. In or about July, 1971, defendants FRANK PUGLIESE, PAT DILACIO and JOHN BARNABA met in the vicinity of Westchester Avenue and Buhre Avenue, Bronx, New York.
9. In or about December, 1971, defendant JOSEPH DINAPOLI delivered a package of heroin.
10. In or about November, 1971, defendants THOMAS DAWSON, a/k/a "Tennessee", and JOHN DOE, a/k/a "Folk" travelled from Washington, D.C. to New Jersey.
11. In or about November or December, 1971, defendant JOHN SPRINGER, a/k/a "Hank", received a quantity of heroin.
12. In or about January, 1972, defendant CARMINE PUGLIESE delivered approximately three kilograms of heroin.
13. In or about January, 1972, defendant JOHN DOE, a/k/a "Sinatra", received approximately three kilograms of heroin.
14. In or about March, 1972, defendants AL GREEN, BUTCH WARE, HATTIE WARE and JOHN DOE, a/k/a "Basil", received a quantity of heroin.
15. In or about October, 1972, defendant JOSEPH DELVECCHIO went to Robbie's Mardi Gras, 731 Seventh Avenue, New York, New York.
16. In or about October, 1972, defendants WARREN C. ROBINSON, a/k/a "Alan", and HENRY SALLEY, a/k/a "Sally", travelled from Washington, D.C. to New Jersey.
17. In or about May or June, 1971, defendant JOSEPH MARCHESE, a/k/a "Joe Cab", received one-half kilogram of heroin from defendant LOUIS INGLESE at the Beach Rose Social Club, Bronx, New York.
18. In or about November, 1972, defendant GEORGE TOUTOIAN delivered a quantity of heroin.
19. On or about January 10, 1973, defendant FRANCIS RUSSO received a quantity of heroin.

20. In or about January, 1973, defendants CARMINE TRAMUNTI and LOUIS INGLESE had a conversation at Lo Piccolo, 3044 Westchester Avenue, Bronx, New York.

21. In or about April, 1973, defendant MARY JANE SALVIANI, a/k/a "Liz", received a quantity of mannita.

22. In or about May, 1973, JOHN DOE, a/k/a "Jimmy Wyatt Earp", went to the Golden Hour, 2233 Boston Road, Bronx, New York.

23. In or about May, 1973, defendant JACK SPADA received approximately one-half kilogram of cocaine.

24. On or about May 30, 1973, defendant VINCENT RIZZO went to the Centaur Restaurant, 342 East 46th Street, New York, New York.

25. On or about May 30, 1973, defendant THOMAS LENTINI, a/k/a "Moe", delivered a quantity of cocaine to defendant DOMINICK LESSA.

(Title 26, United States Code, Section 7237(b)
and Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

From on or about the 1st day of May, 1971, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", the defendant, unlawfully, wilfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, wilfully, intentionally and knowingly did violate Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) as alleged in Counts Eleven, Twelve and Fifteen of this indictment which are incorporated by reference herein, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in concert with at least five other persons with respect to whom the defendant occupied a position of organizer, supervisor and manager and

from which continuing series of violations the defendant obtained substantial income and resources.

(Title 21, United States Code, Section 848.)

COUNT THREE

The Grand Jury further charges:

In or about the month of June, 1969, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", and JOSEPH DELVECCHIO, a/k/a "Joe Crow", the defendants, unlawfully, wilfully and knowingly did sell, barter, exchange and give away to Primrose Cadman approximately 30 "bags" of heroin, a narcotic drug, in that the said sale, barter, exchange and giving away was not in pursuance of a written order of the said Primrose Cadman on a form issued in blank for that purpose by the Secretary of the Treasury of the United States or his delegate.

(Title 26, United States Code, Sections 4705(a) and 7237(b).)

COUNT FOUR

The Grand Jury further charges:

In or about the month of June, 1969, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", and JOSEPH DELVECCHIO, a/k/a "Joe Crow", the defendants, unlawfully, wilfully and knowingly did sell, barter, exchange and give away to Primrose Cadman approximately one-half ounce of heroin, a narcotic drug, in that the said sale, barter, exchange and giving away was not in pursuance of a written order of the said Primrose Cadman on a form issued in blank for that purpose by the Secretary of the Treasury of the United States or his delegate.

(Title 26, United States Code, Sections 4705(a) and 7237(b).)

COUNT FIVE

The Grand Jury further charges:

In or about the month of November, 1969, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", the defendant, unlawfully, wilfully and knowingly did sell, barter, exchange and give away to Louis Oliveras approximately one ounce of heroin, a narcotic drug, in that the said sale, barter, exchange and giving away was not in pursuance of a written order of the said Louis Oliveras on a form issued in blank for that purpose by the Secretary of the Treasury of the United States or his delegate.

(Title 26, United States Code, Sections 4705(a) and 7237(b).)

COUNT SIX

The Grand Jury further charges:

In or about the month of November, 1969, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", the defendant, unlawfully, wilfully and knowingly did sell, barter, exchange and give away to Louis Oliveras approximately one ounce of heroin, a narcotic drug, in that the said sale, barter, exchange and giving away was not in pursuance of a written order of the said Louis Oliveras on a form issued in blank for that purpose by the Secretary of the Treasury of the United States or his delegate.

(Title 26, United States Code, Sections 4705(a) and 7237(b).)

COUNT SEVEN

The Grand Jury further charges:

In or about the month of June, 1970, in the Southern District of New York, ANTHONY LORIA and JOHN BARNABA, the defendants, unlawfully, wilfully and knowingly did sell, barter, exchange and give away to RICHARD FOBRICK approximately one-half kilogram of heroin, a narcotic drug, in that the said sale, barter, exchange and giving away was not in pursuance of a written order of the said RICHARD FOBRICK on a form issued

in blank for that purpose by the Secretary of the Treasury or his delegate.

(Title 26, United States Code, Sections 4705(a) and 7237(b); Title 18, United States Code, Section 2.)

COUNT EIGHT

The Grand Jury further charges:

In or about the month of November, 1971, in the Southern District of New York, FRANK PUOLIESE, a/k/a "Butch", PAT DILACIO and JOHN BARNABA, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-half kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT NINE

The Grand Jury further charges:

In or about the month of December, 1971, in the Southern District of New York, JOSEPH DINAPOLI and PAT DILACIO, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately two kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT TEN

The Grand Jury further charges:

In or about the month of January, 1972, in the Southern District of New York, CARMINE PUGLIESE and PAT DILACIO, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT ELEVEN

The Grand Jury further charges:

In or about the month of July, 1972, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", JOSEPH DELVECCHIO, a/k/a "Joe Crow", THOMAS LENTINI, a/k/a "Moe" and JOHN DOE, a/k/a "Joe Red", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT TWELVE

The Grand Jury further charges:

In or about the month of October, 1972, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", JOSEPH DELVECCHIO, a/k/a "Joe Crow", THOMAS LENTINI, a/k/a "Moe", and JOHN DOE, a/k/a "Joe Red", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately, three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT THIRTEEN

The Grand Jury further charges:

In or about the month of November, 1972, in the Southern District of New York, GEORGE TOUTOIAN and VINCENT RIZZO, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-quarter kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT FOURTEEN

The Grand Jury further charges:

On or about the 10th day of January, 1973, in the Southern District of New York, FRANCIS RUSSO, the defendant,

unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-quarter kilogram of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT FIFTEEN

The Grand Jury further charges:

In or about the month of May, 1973, in the Southern District of New York, CARMINE TRAMUNTI, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", JOSEPH DELVECCHIO, a/k/a "Joe Crow", and JOHN DOE, a/k/a "Joe Red", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately three kilograms of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT SIXTEEN

The Grand Jury further charges:

In or about the month of May, 1973, in the Southern District of New York, LOUIS INGLESE, a/k/a "Gigi", a/k/a "The Whale", THOMAS LENTINI, a/k/a "Moe", and JACK SPADA, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately one-half kilogram of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT SEVENTEEN

The Grand Jury further charges:

On or about the 30th day of May, 1973, in the Southern District of New York, THOMAS LENTINI, a/k/a "Moe", and DOMINICK LESSA, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute

a Schedule II narcotic drug controlled substance, to wit,
approximately one-eighth of a kilogram of cocaine.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A); Title 18, United
States Code, Section 2.)

Richard E. bridge

FOREMAN

Paul J. Curran

PAUL J. CURRAN

United States Attorney

The Court directs entry of Not Guilty plea be entered on behalf of the above named defendants.

Duffy, J.
RW

OCT 10 1973 - Dfts Tramunti, Christians and Inglesse.
Application for reduction of bail. Reduction of bail as to dfts Christians and Inglesse denied. Bail set as to dft Tramunti

OCT 12 1973 - Dft Joseph Marchese
application for reduction of bail - granted -
Bail reduced to \$20,000 P.R.B. Secured by 10% \$2,000 cash to be co-signed by wife and brother.

Duffy, J.
RW

OCT 15 1973 - Dft Frank Pugliese (atty present) produced in court on writ. Bail determination adj. to Oct 17 at 4pm Writ adj. to Oct. 17, 1973.
Dft Carmine Tramunti - as to bail application made on Oct 10, Dfts bail reduced to \$ 240,000.

Duffy, J.
RW

OCT 17 1973 Dft Frank Pugliese (atty present) produced in court on writ. Bail set at \$25,000 PRB co-signed by the dft, his wife and uncle. Dft Remanded. [REDACTED]

Duffy, J.

NOV 16 1973 - PRE-TRIAL CONFERENCE HELD & CONCLUDED. DFTS HENRY SALLEY AND THOMAS DOWISON APPEAR IN COURT WITHOUT COUNSEL. COUNSEL TO BE ASSIGNED.

DW

NOV 21 1973 - AL GREEN - Dft appears in court without an attorney. The Dft is directed to make application thru C.J.A. Form 23 for possible assigned counsel.
Writ to return to court on Nov 26, 1973 at 10 AM.

Duffy, J.
RW

NOV 26 1973 - AL GREEN - Dft appears in court with application form for assignment of counsel. Dft directed to Report to U.S. Magistrate for assigned counsel.

JOHN SPRINGER - BENCH WARRANT ORDERED - Dft appears in court without an attorney at 10 AM

JOHN SPRINGER - Defendant appears in court without an attorney at 10 AM
Bench Warrant vacated.

8688

RW

DEC 3 1973 - JOHN SPRINGER - Bench Warrant issued - Dft appears at 10 AM

JUDGE DUFFY

10-3-73 Filed indictment & ordered
sealed. B/wt ordered. (arrested)

10-4-73 Indictment ordered unsealed.
AD (arrested, J.)

BAIL STATUS FIXED BY MAGISTRATE

OCTOBER 4-1973

CARMINE TRAMUNTI #250,000, CASH OR SURETY BOND
LOUIS INGLESE \$200,000. CASH OR SURETY BOND
DONATO CHRISTIANO \$75,000. " " " "
THOMAS LENTINI - Remanded w/o bail w/o prejudice to apply in future.
VINCENT RIZZO - #20,000 CASH OR SURETY BOND
DOMINICK LESSA - #25,000 " " " "
JOSEPH MARCHESE - #20,000 " " " "
AL GREEN - #12,500. " " " "
FRANK PELLEGRINO - R.O.R.
HATTIE WARE - \$5,000. P.A.B CO-SIGNED, SECURED BY \$500
CASH - R.O.R. TO 10-5-73 TO MAKE BAIL.
JOHN SPRINGER - R.O.R.
JOHN DOE, A/K/A "JOE RED"
T/N - JOSEPH CERIALE - \$50,000. P.A.B. SECURED BY \$10,000
CASH OR SURETY BOND.
FRANCIS RUSSO - \$50,000. CASH OR SURETY BOND
GEORGE TOUTOIAN - \$10,000. PRB CO-SIGNED - R.O.R until
OCT. 9 TO MAKE BAIL
JOHN DOE A/K/A SINATRA - R.O.R. UNTIL 10-5-73 TO MAKE BAIL & \$5,000 cash or surety bond
JOSEPH D. NAPOLI - \$75,000 CASH OR SURETY BOND W/O PREJUDICE
TO MAKE FURTHER APPLICATION
OCTOBER 9-1973
ANGELO MAMONE - \$10,000. PRB

OCTOBER 5, 1973 -

MARY JANE SALVIANI - R.O.R.

4 - OCT 1973 - AS TO DEF'S TRAMUNTI, INGLESE, CHRISTIANO, LENTINI, RIZZO,
LESSA, MARCHESE, GREEN, PELLEGRINO, HWARE, SPRINGER, JOHN DOE A/K/A
"JOE RED" T/N - JOSEPH CERIALE, RUSSO, TOUTOIAN, JOHN DOE A/K/A "SINATRA"
D. NAPOLI, DELVECCIO, MAMONE, PUGLIESE, F. PUGLIESE, D. LACIO, LORIA,
SPADA, BARNABA, ~~TO~~, FOBRIK, ROBINSON, DOWSON, B. WARE, SALVIANI,
SALLEY, JOHN DOE A/K/A "FOLK", JOHN DOE A/K/A "BASIL", JOHN DOE A/K/A "JIMMY WYATT EARP"

73 CRIM. 931

Form No. USA-33s-274 (Ed. 8-25-58)

United States District Court
SOUTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA

vs.

CARMINE TRAMUNTI, et al.,

Defendants.

INDICTMENT

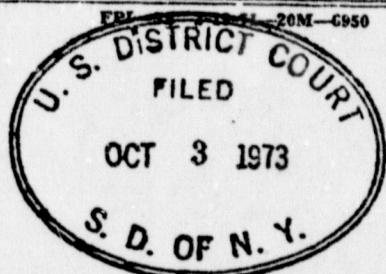
26 U.S.C. §§7237(b) & 4705(a);
21 U.S.C. §§§846, 848, 812,
841(a)(1) &
841(b)(1)(A);
18 U.S.C. §2.

PAUL J. CURRAN

United States Attorney.

A TRUE BILL

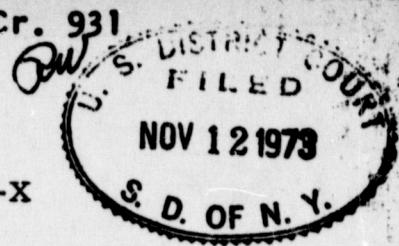
Richard E. Doherty
Foreman.



NOTICE OF MOTION, MEMO ENDORSED 73 Cr. 931

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X-----
UNITED STATES OF AMERICA,

-against-

CARMINE TRAMUNTI, et al.,

NOTICE OF MOTION

Defendants.

73 Cr. 931

-----X-----

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of HERBERT S. SIEGAL, ESQ., the indictment and all of the proceedings heretofore had herein, the undersigned will move this Court on behalf of the above-mentioned CARMINE TRAMUNTI, at the United States Courthouse, Foley Square, New York, before the Hon. Kevin T. Duffy, U.S.D.J. on November 12, 1973, for an Order pursuant to Rules 8 (b) and 12 (b) (2) of the Federal Rules of Criminal Procedure requiring the Government to elect the Count or Counts upon which it will initially proceed to Trial, and granting a severance to those defendants not named in the elected count (s).

Dated : New York, New York

October 6th, 1973.

November

Yours, etc.,

HERBERT S. SIEGAL,
Attorney for Defendant,
Carmine Tramunti,
Office & P.O. Address,
17 John Street,
New York, New York 10038
(212) RE-2-5330

TO: HON. PAUL J. CURRAN
United States Attorney
Southern District of New York

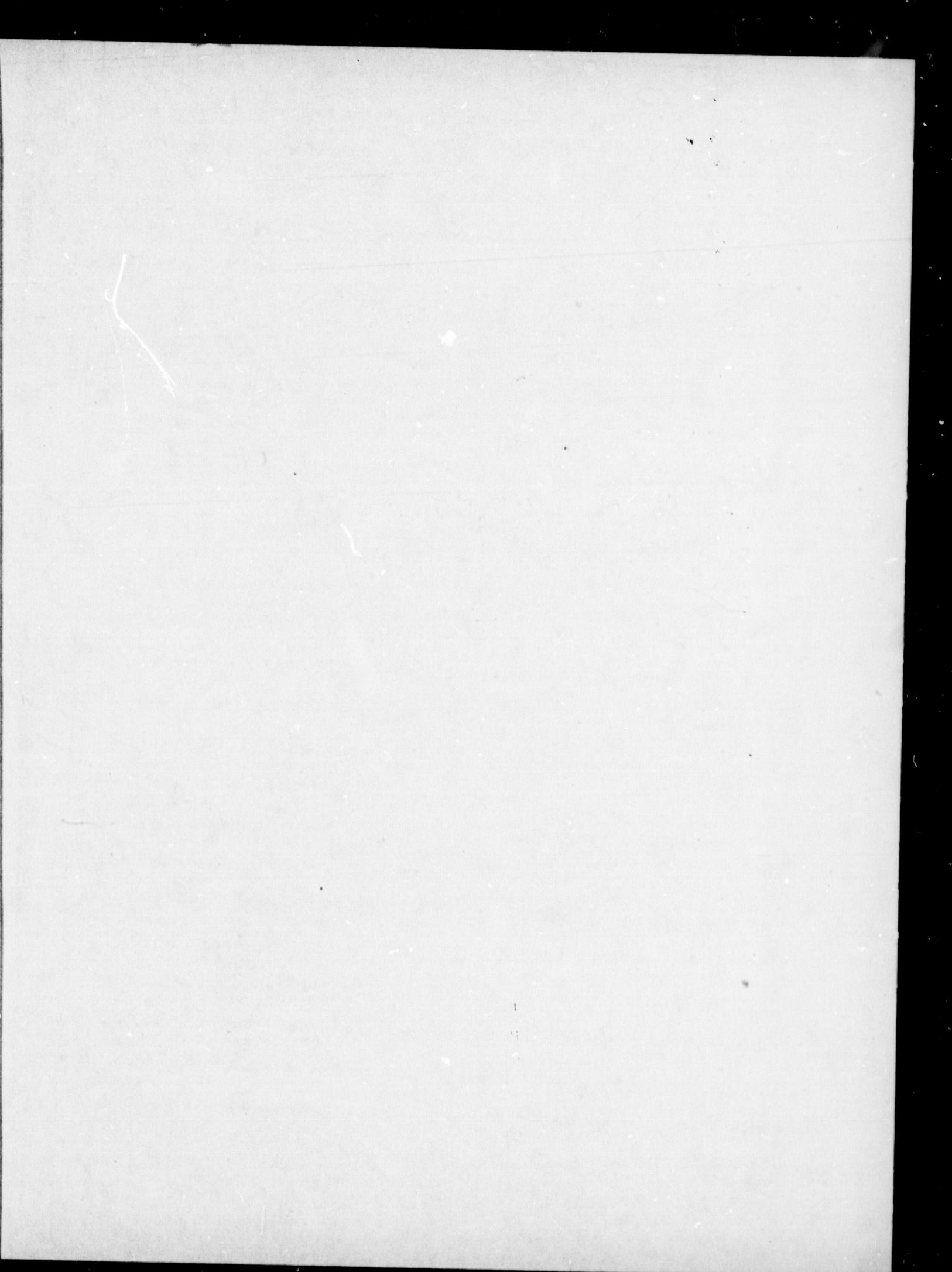
LAW OFFICES
HERBERT S. SIEGAL
17 JOHN STREET
NEW YORK, N.Y. 10038
RECTOR 2-5330

ATT: Walter Phillips, Esq.

person so served to be the person mentioned and described in said papers as the
Sworn to before me, this day of

19

therein.



5. The indictment contains seventeen counts, but no individual defendant is named in all seventeen counts. In fact sixteen (16) of the thirty-three named defendants have been indicted solely for conspiracy. Eleven (11) of the remaining seventeen (17) defendants have been indicted for two counts, Conspiracy and one substantive Count. Yet, of these eleven (11) all but four (4) appear in different substantive counts. The four (4) co-defendants who appear in the same count are ANTHONY LORIA and RICHARD FABRICK in Count Seven and GEORGE TOUTOIAN and VINCENT RIZZO in Count Thirteen.

6. Thus there are only six (6) co-defendants who have been indicted on three or more counts in this indictment; LOUIS INGLESE, JOSEPH DELVECCHIO, THOMAS LENTINI, PAT DILACIO, JOHN BARNABA and JOHN DOE, A/K/A " JOE RED".

7. Among the sixteen co-defendants who are indicted solely for conspiracy, two of them, ANGELO MAMONE and FRANK PELLEGRINO, A/K/A "SWIFTY" ; are not mentioned in any of the twenty-five overt acts enumerated in the indictment. One of them, JOHN DOE , A/K/A "JIMMY WYATT EARL", is mentioned solely in connection with having gone to the "GOLDEN HOUR" in May, 1973, and WARREN C. ROBINSON, A/K/A " ALAN and THOMAS DAWSON, A/K/A " TENNESSEE" are alleged to have traveled from Washington, D. C. to New Jersey. Eight of the remaining eleven co-defendants indicted solely for conspiracy, JOHN SPRINGER, JOHN DOE, A/K/A "SINATRA", AL GREEN, BUTCH WARE, HATTIE WARE, JOHN DOE, A/K/A "BASIL", JOSEPH MARCHESE and MARY JANE SALVIANI are mentioned in the overt acts as having received contraband on one occasion, and only one occasion.

8. Among the eleven co-defendants indicted only on two counts, eight of them are not mentioned in any overt act nor joined in any substantive

LAW OFFICES
HERBERT S. SIEGAL
17 JOHN STREET
NEW YORK, N. Y. 10038
RECTOR 2-6666

count with those six co-defendants who are named in three or more counts in this indictment. The three co-defendants, CARMINE TRAMUNTI, JACK SPADA and DOMINICK LESSA, who are named in Counts with the six co-defendants mentioned in Paragraph Six (6), each one of the three is named in a separate and single count of the indictment.

9. Insofar as the six co-defendants mentioned in Paragraph Six (6) are concerned, the activities referred to in 1969, only mention the co-defendants LOUIS INGLESE and JOSEPH DELVECCHIO, while only co-defendant INGLESE is mentioned in connection with activities that occurred in 1971. It is not until the Spring of 1973 that the activities of the six co-defendants mentioned in Paragraph Six allegedly join together.

10. Thus it is apparent that without the conspiracy count sixteen named co-defendants would not be before this Court for trial. In addition eight (8) of the named co-defendants indicted on two counts would also not be before this Court, because the indictment fails to show any nexus between these eight and those co-defendants named in three or more counts. Among the co-defendants mentioned in substantive counts with those co-defendants mentioned in Paragraph Six, each one of the three appears in a single separate Count. Thus without the conspiracy count at least half and possibly as many as two-thirds of the indicted co-defendants would not be before this Court for trial.

11. The conspiracy mentioned in Count One, is not brought in good faith, nor can a claim be made that it is brought in good faith, when from the face of the indictment alone there is more than one alleged conspiracy contained therein. A defendant who is forced to defend himself in a multi-defendant case such as this must thus seek to defend himself not only against

ICES
SIEGAL
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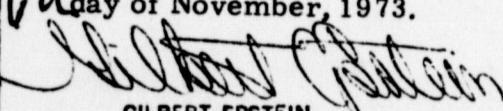
the evidence against him, but the evidence affecting other defendant as well, to prevent its transference to him.

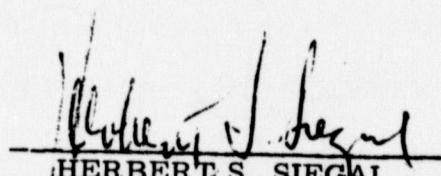
12. Moreover, the Government cannot complain if forced to make an election, because, aside from trying cases before different Juries, they will not be presenting evidence in one case against a given defendant that they will then have to introduce at a second trial. The evidence is different as to the vast majority of indicted co-defendants, thus what is relevant and admissible as to one co-defendant quite clearly will be irrelevant and inadmissible as to another co-defendant.

WHEREFORE, it is respectfully requested that an Order issue requiring the Government to elect the Count or Counts upon which they will initially proceed to trial, pursuant to Rules 8 (b) and 12 (b) (2) of the Federal Rules of Criminal Procedure.

Sworn to before me this

14 day of November, 1973.


GILBERT EPSTEIN
Notary Public, State of New York
No. 24-6194470
Qualified in Kings County
Commission expires March 30, 1974


HERBERT S. SIEGAL

VICES
L. SIEGAL
STREET
N.Y. 10036
2-8880

NOTICE OF ENTRY

Index No. 73 Cr. 931 ~~2008-19~~

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-VS-

CARMINE TRAMUNTI, et al.,

Defendants.

NOTICE OF MOTION

HERBERT S. SIEGAL

Attorney for Carmine Tramunti.

Office and Post Office Address, Telephone

17 John Street

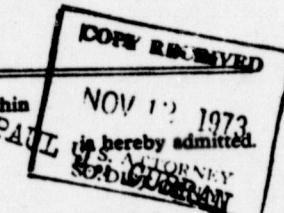
Borough of Manhattan New York, N. Y. 10038
RECTOR 2-5330

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To

Attorney(s) for

Service of a copy of the within

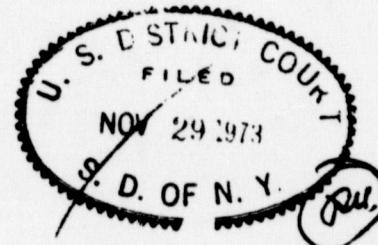


Dated,

Attorney(s) for

1000 GOLDSMITH 8800, 77 Nassau St., NEW YORK, N. Y. 10038

NOV 28 1973
U. S. DISTRICT COURT
S. D. OF N. Y.



Motion disposed of in accordance
with the decision rendered at a
pretrial conference held on November 15.
See transcript of that conference.
So ordered.

KEVIN THOMAS, DEPT. 1000
New York, New York

November 28, 1973

MEMORANDUM OF LAW 73 Cr. 931

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

-against-

73 CR 931

CARMINE TRAMUNTI, et al.,

Defendants.

-----X

MEMORANDUM OF LAW

This Memorandum of Law is submitted in support of a Motion of the above-named defendant, CARMINE TRAMUNTI, seeking an Order requiring the Government to elect the Count or Counts upon which it will initially proceed to Trial, pursuant to Rules 8 (b) and 12 (b) (2) of the Federal Rules of Criminal Procedure.

STATEMENT OF FACTS

On [redacted] 1973, an Indictment was filed with the United States District Court for the Southern District of New York charging thirty-three named defendants in seventeen counts with violations of Federal Law involving alleged trafficking in narcotics.

Among those indicted sixteen defendants were indicted solely for conspiracy, while eleven other defendants were indicted on

two counts, Conspiracy and one Substantive Count. Only six defendants were indicted on three or more counts. There is no individual defendant who is named in all seventeen counts.

ARGUMENT

The defendant, THAWLINTI, contends that while the evidence against all thirty-three defendants may be similar in character, the Indictment clearly shows that there was no connection between the various conspiracies that the Indictment alleges existed. The Indictment shows that the activities of most of the co-defendants consisted of an alleged "single purchase" of contraband.

In, UNITED STATES v. IORRELLI, 381 F.2d, 370, 384 (2d Cir. 1964), in an opinion by former Chief Judge Friendly, the Court of Appeals held:

"A sale or a purchase scarcely constitutes a sufficient basis for inferring agreement to cooperate with the opposite parties for whatever period they continue to deal in this type of contraband . . .

Thus, however reasonable the so-called presumption of continuity may be as to all the participants of a conspiracy which intends a single act, such as the robbing of a bank, or even as to the core of a conspiracy to import and resell narcotics its force is

finished as to the outer links - buyers indifferent to their sources of supply and turning from one source to another, and suppliers equally indifferent to the identity of their customers . . ."

Thus the acts which form the basis of the conspiracy are the alleged single, distinct acts of either individual co-defendants, or the alleged activities of separate and independent groups. It is clear then that we are dealing with separate conspiracies and following the rationale of UNITED STATES V. RUSSANO, 257 F2d, 713 (2d Cir. 1956), the defendants will be prejudiced by trying several, distinct conspiracies in one trial.

" The Government does not deny that if the evidence failed to establish a single conspiracy, but established the existence of two conspiracies, one in 1952 and another in 1955-6, the Appellants were prejudiced thereby. Nor could it be otherwise. If appellants had been tried only for the 1952 conspiracies, the admission of evidence relating to the later conspiracy of 1955-6, would have constituted a judicial error. Similarly, if they had been tried for the later conspiracy, evidence of earlier illegal acts would have been seriously prejudicial."

UNITED STATE V. RUSSANO, Supra, 257 F2d, 715.

In discussing the burden placed upon the defendant in a multi defendant conspiracy case involving multiple conspiracies, the

Supreme Court in reversing a Judgment of Conviction affirmed by the Court of Appeals for the Second Circuit held in,

KOTTEAKOS V. UNITED STATES, 323 U.S. 750, 716-7 (1948) held that,

"Obviously the burden of defense to a defendant, connected with one or a few of so many distinct transactions, is vastly different, not only in preparation for trial, but also in looking out for and securing safeguard against evidence affecting other defendants, to prevent its transference as "harmless error" or by psychological effect, in spite of instructions for keeping separate transactions separate".

The Court went on to state that, "numbers are vitally important in trial, especially in criminal matters".

KOTTEAKOS V. UNITED STATES, Supra, 323 U.S. at 772.

Mr. Justice Rutledge, in commenting upon the issue of proper joinder stated:

"In so ruling we are not unmindful, as the Court of Appeals has held more than once that the problem . . . is also essentially one of proper joinder under 557 of the Judicial Code. When we look at that Section's requirement for separate statement in different counts of related but distinct acts or transactions of the same class of crimes or offenses which may be properly joined, instead of having several indictments, our conclusion is reinforced," to reverse.

KOTTEAKOS V. UNITED STATES, Supra, 328 U. S.

174. The Court indicated that the question of joinder in a criminal case can reach constitutional dimensions as it affects an individual's right to be notified of the charges against him, and his ability to defend himself against those charges and no other.

" That right, in each instance, was the right not to be tried en masse for the conglomeration of distinct and separate offenses committed by others as shown by this record

Wholly different is it with those who join together with only a few, though many others may be doing the same, and though some of them may line up with more than one group.

Criminal they may be, but it is not the criminality of mass conspiracy. They do not invite mass trial by their conduct. Nor does our system tolerate it ".

KOTTEAKOS V. UNITED STATES, Supra, 328 U. S. at 773, 775.

The Court of Appeals for the Second Circuit, in UNITED STATES V. BENTVENA, 319 U. S. 510 (2d cir. (1963), citing SCHAFFER V. UNITED STATES, 352 U. S. 511 (1959) (dissenting opinion), reversed the judgments of conviction for three defendants in a multi-defendant case after finding that the evidence was insufficient to sustain a conviction for conspiracy, although there was sufficient

evidence to sustain the conviction on the substantive count.

" The trial of BENTVENA, STRUZZIERI and MONASTERSKY together with those indicted and tried only for conspiracy under the circumstances here portrayed, we feel, constituted prejudicial error as to them. The proof of their participation in the transactions alleged in the substantive counts was presented at the start of the Government's case. Thereafter they and the Jury were forced to sit through months of testimony establishing the conspiracy, none of which related to the substantive accusations. We cannot feel confident that the admission of this evidence against them, when it was legally inadmissible unless they were shown to be part of the conspiracy, did not contribute to their convictions on the substantive counts by blacking them with the general guilt . . . all counts were submitted to the Jury, which found defendants guilty of conspiracy on evidence that we have unanimously held to be legally insufficient, and then considered the mass of hearsay declarations of purported co-conspirators against them ". UNITED STATES V. BENTVENA, 319 F. 2d, 916, 955 (2d Cir. 1963).

In, SCHAFFER V. UNITED STATES, 362 U. S. 511, 523, 524 (1959) (Dissenting Opinion), Mr. Justice Douglas writing for three other members of the Court held :

" But where, as here, there is no nexus between the several crimes, the mounting proof of the guilt of one is likely to affect another. There is no sure way to protect against it except by separate trials, especially, where as here, the several defendants, though unconnected commit the crimes charged by dealing with one person ... By a joint trial of such separate offenses, a subtle bond is likely to be created between the several defendants though they have never met nor acted in unison ... the loose practice of trying to bring together into one conspiracy those whose ties are at best extremely tenuous has often been criticized. We allow conspiracy to be put to new dangerous uses when we sanction the practice approved here ".

CONCLUSION

For the reason set forth above the Government should be required to elect the Count or Counts upon which it will initially proceed to trial.

Respectfully submitted,
HERBERT S. SIEGAL

GOVERNMENT'S EXHIBIT 3587 FOR IDENTIFICATION

NT FOLLOW-UP

*FOR USE ONLY
(Do Not Fold This Report)

Additional Copies Required For:

Complaint File No.

3587

Port	Referred to	64. * STATUS OF CASE	50. C.C.D. No.	19. Pct.	22. Complaint No. Year
1,1973	case 6-N-32-0030-72	<input checked="" type="checkbox"/> Active <input type="checkbox"/> Closed <input type="checkbox"/> Unfounded			735G/32 72

CTIONS: Whenever a case is unfounded or a crime classification is changed, ALL shaded captions MUST be completed.

Time of Occurrence			14. *	15. *	16. *	17. *	Classification Checked to	Previous Classification
36. *	39. *	40. *						
							50. Type of Property	51. Value of Property
							<input type="checkbox"/> Lost <input type="checkbox"/> Stolen	57. Value of Property Recovered
							1. Autos Stolen or Recovered	
							2. <input type="checkbox"/> Autos Recovered by Other Auth. <input type="checkbox"/> For Other Auth.	
							4. Currency	
							5. Jewelry	
							6. Furs	
							7. Clothing	
							8. Firearms	
							9. Miscellaneous	

MAILS AS REPORTED BY FOLLOW UP INVESTIGATING OFFICER Bonabu Monday January, 15, 1973

the above date at approximately 2040 hours the undersigned Officer and confidential Informant # 5124 entered a Bar called the "WEB BAR" on east ster road off Boston road in the bronxs. This "WEB" bar was the old itmore" gardens restaurant. that was raided last year as a "Key" gambling dquarters for the Bronx's Mafia Families.

er entering the Bar we meet a person at this time were call him (J.D. IE). Louie stated that his people were sitting on (200) kilo's of Herion t his people had purchase. but that it was not of good quality. and that has give out sample's of the Herion to Different people to test it for . But he say's that the sample's will not hold a good reading. The Info nt told (J.D. Louie) that the undersigned Officer will take a sample off a will let him know how bad the Herion is or is not. (J.D. Louie) said t he will meet me this coming Friday on January, 19, 1973 at 2030 hours the same place. the Informant will also make this meet with me.

REVERSE SIDE IF MORE SPACE IS NEEDED (Carbon must be inverted)

IN OF LOST OR STOLEN PROPERTY— See Appendix G of R. & P.	DO NOT ENTER PROPERTY PREVIOUSLY REPORTED	Property Clerk Voucher No.
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LE (Name Only)	QUANTITY	VALUE	DESCRIPTION (Include Serial Numbers Where Possible)
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SCRIPTIONS OF PERSONS WANTED, PERSONS ARRESTED AND ARREST DISPOSITIONS-See Appendix G of R. & P.

*Conella**(67)*

Officer's Name (Typed)

Shield No.

Command

Investigating Officer's Signature

Commanding Officer's Signature

N.Y.C.P.D.

OVER OFFICER # 30094

Undercover Office Scout
*N.Y.C.P.D.**C. T. C.*

After meeting (J.D. LOUIE) we waited around some time and we meet another person at this time we will call him. (J.D. "Fat Carmine"). "Fat Carmine" told the undersigned officer and the Informant that he "Carmine" meet about 2 weeks ago. One Louis Inglesi B# 298481 of 2025 Continental avenue, bronxs, new york. "Carine" asked Inglesi if he had any Herion around. "Inglesi said to Carmine that he was not going to tounch any Herion for some time and that he "Carmine" should look for another connection. "Carmine" told us that ~~he~~ was going down to Puerto RICO to make a connections for being Herion into this Country and then up to the bronxs area to ~~make~~ make big money on the Herion because he said that very little good Herion was around. The undersigned officer # 30094 and Confidential Informant # 5124 told J.D. Carmine that we were very interested ~~about~~ about going down to Puerto Rico with him to make a Herion Connection for own selfs. He said he would let is know about it. we told him that we were going to drop into the "Web" bar is coming Friday, January,19,1973. at about 2030 hours. he said "alright" .

After leaving the "Web" bar we proceeded to Frank Monaco houses at 2891 Zuketta avenue, bronxs, new york. at approximately 2210 hours we arrived at Monaco house.waiting for us was Frank Russo B#527419 and Frank Russo we told Russo that the Herion that the undersigned officer had purchased on 1-10-73 was very low on quality and that he Russo would have to give some pure Herion to make it strong. he said that he would go and find out if he could get the stuff tonite. about 2345 hours he came back and said he would meet me ~~again~~ agian on January,16,1973, at the same place to see if he would have it at that time.

All of the above conversations were recorded on a Nigan recorder. tape# M-93

Cover Team: Sgt M. O'Boyle N.D.# 6 , Ptl. F. Connolly N.D.# 6
Ptl. J. Sheehan N.D.# 6 , Ptl. J. O'Donnell N.D.# 6

The above subjects (J.D. LOUIE)& (J.D. FAT CARMINE) will be I.D. at a later date on a DD-5 by this officer .

Connolly
Monaco
Sheehan

Herling

U. S. COURT OF APPEALS: 2nd CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

Index No.
74-1550

against

CARMINE TRAMUNTI,

Appellant,

-and-

LOUIS INGLESE, et al,

Defendants.

Affidavit of Personal Service

STATE OF NEW YORK, COUNTY OF NEW YORK

ss.:

I, Victor Ortega, being duly sworn,
deposes and says that defendant is not a party to the action, is over 18 years of age and resides at
1027 Avenue St. John, Bronx, New York
That on the 3rd day of September 1974 at Foley Square, New York

defendant served the annexed affidavit upon

upon

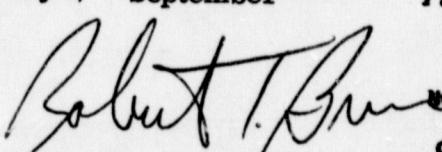
Paul J. Curran, United States Attorney,

the in this action by delivering a true copy thereof to said individual
personally. Defendant knew the person so served to be the person mentioned and described in said
papers as the Attorney(s) herein,

Sworn to before me, this 3rd
day of September 1974

Victor Ortega
Print name beneath signature

VICTOR ORTEGA


ROBERT T. BRIN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31 - 0418950
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MARCH 30, 1976